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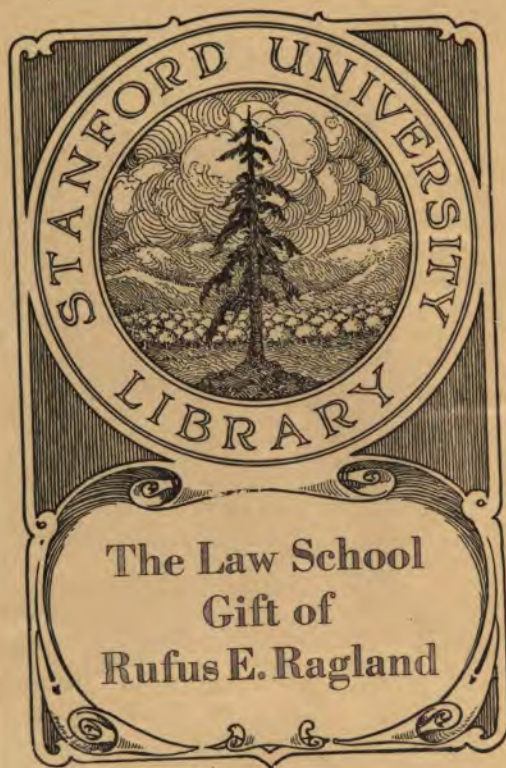
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Kentucky Collection

ACTS
OF THE
GENERAL ASSEMBLY

OF THE
Commonwealth of Kentucky

PASSED AT A

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD ON TUESDAY, THE SECOND DAY OF
JANUARY, NINETEEN HUNDRED.

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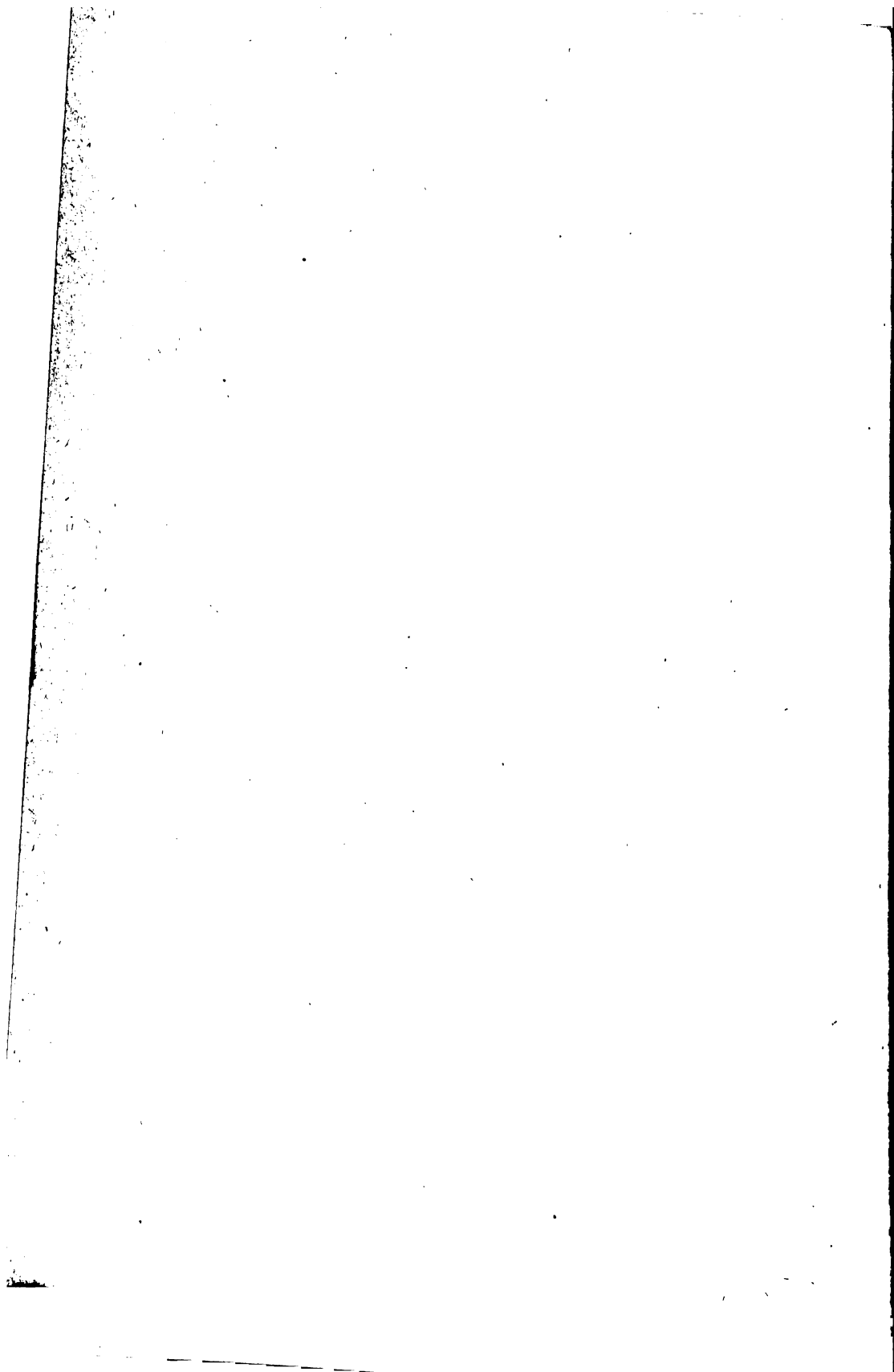
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LAWS

OF THE

STATE OF KENTUCKY,

PASSED AT A REGULAR SESSION OF THE GENERAL ASSEMBLY
WHICH WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT ON TUESDAY THE SECOND DAY OF JAN-
UARY, NINETEEN HUNDRED.

CHAPTER 1.

AN ACT creating and appointing a commission for the purpose of apprehending and bringing to justice the murderer or murderers of William Goebel, and appropriating one hundred thousand dollars therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to aid the Commonwealth's attorney of the fourteenth circuit court district in an effort to apprehend and bring to justice the murderer or murderers of William Goebel and conspirators or accessories therein or thereto, and thus to remove in part the stain which has been

Appropriating
\$100,000 to ap-
prehend the mur-
derer or murder-
ers of Wm. Go-
bel.

Creating and
naming board of
commissioners.

put upon the fair name of our State, there is hereby created a commission for the purposes aforesaid, and Joseph H. Lewis, John K. Hendrick, B. W. Bradburn, John D. Clardy and Wm. M. Moore are hereby appointed such commissioners of the State of Kentucky.

Commissioners to
take oath.

§ 2. As soon as practicable after the passage of this act, and before they enter upon the discharge of their duties, the said commissioners shall take an oath before an officer authorized to administer an oath, faithfully to perform the duties of the office, and execute good and sufficient bond each in the sum of ten thousand dollars, conditioned upon the faithful discharge of the duties imposed by this act. Said bonds are to be approved by the clerk of the Court of Appeals and lodged in his office for safe keeping.

Expenses of
board.

§ 3. The said commissioners shall be allowed out of the sum hereinafter appropriated only such actual and necessary expenses as they may incur in the discharge of their duties.

Vacancy—how
filled.

§ 4. In the event of the death or failure from any cause of any one or more of said commissioners to discharge the duties imposed herein, such vacancy shall be filled by the remaining member or members, the appointment so made to be officially reported to the secretary of State.

Manner of paying
out money.

§ 5. For the purpose of carrying out the provisions of this act there is hereby appropriated the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be expended

as needed by said commissioners, by and with the advice and consent of the said Commonwealth's attorney; and on the order of said commissioners, said order to be signed by each and every one of said commissioners, when such orders are approved by said Commonwealth's attorney, then the auditor is authorized and directed to draw his warrant upon the treasurer in favor of said commissioners, in any sum not exceeding the amount herein appropriated: Provided, said commissioners shall not expend any part of said appropriated sum in payment of fees to any attorney or attorneys who may assist in said prosecution.

§ 6. The commissioners for the purpose of prosecuting preliminary investigations of guilt, or of any clues or any search they may think necessary, may expend for that purpose a sum out of said appropriation not to exceed twenty-five thousand dollars. Out of the balance of said appropriation the said commissioners shall fix, if necessary, a sum that they will pay for the arrest and conviction, respectively, of the principal to the crime, any co-conspirator or conspirators or accessories before or after the fact, including the expenses of the commission, and all of the expenditures provided for in this act shall not exceed in the aggregate the sum of one hundred thousand dollars.

§ 7. The commissioners shall keep a full and accurate account of all moneys expended by them Commissioners to keep account. under the provisions of this act, and when the

purposes of this act shall have been accomplished, any portion of said fund remaining in their hands unexpended shall be paid back into the State treasury, and said commissioners shall then submit their accounts to the Attorney-General, auditor and clerk of the Court of Appeals for examination and approval, and said commissioners shall each be liable upon their bonds for any misuse of the funds hereby appropriated, to be recovered by suit in the Franklin Circuit Court.

Emergency
clause.

§ 8. Because of a conspiracy against the government of the Commonwealth of Kentucky, and the cruel assassination of the State's leading public official, and the disrepute throughout the nation into which these and other lawless acts have brought the name of our fair State, an emergency is hereby declared to exist; and this act shall take effect from and after its passage and approval.

Approved March 7, 1900.

CHAPTER 2.

AN ACT to prevent railroad companies or corporations owning and operating a line or lines of railroad, and its officers, agents and employes from charging, collecting or receiving extortionate freight or passenger rates in this Commonwealth, and to further increase and define the duties and powers of the Railroad Commission in reference thereto, and prescribing the manner of enforcing the provisions of this act and penalties for the violation of its provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When complaint shall be made to the railroad commission accusing any railroad company or corporation of charging, collecting or receiving extortionate freight or passenger rates, over its line or lines of railroad in this Commonwealth, or when said commission shall receive information, or have reason to believe that such rate or rates are being charged, collected or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than ten days' notice, by letter mailed to an officer or employe of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, argument or evidence offered by the parties as the commission may deem relevant, and should the commission determine that the company or corporation is, or has been, guilty of extortion, said commission shall make and fix a just and reasonable rate, Duty to fix rates.

Duty of railroad commission to hear complaints of excessive charges.

Notice.

toll or compensation, which said railroad company or corporation may charge, collect or receive for like services thereafter rendered. The rate, toll or compensation so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission and a copy thereof mailed to an officer, agent or employe of the railroad company or corporation affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should said railroad company or corporation or any officer, agent, or employe thereof, charge, collect or receive a greater or higher rate, toll or compensation, for like services thereafter rendered than that made and fixed by said commission, as herein provided; said company or corporation, and said officer, agent or employe shall each be deemed guilty of extortion, and upon conviction shall be fined for the first offense in any sum not less than five hundred dollars, nor more than one thousand dollars, and upon a second conviction, in any sum not less than one thousand dollars nor more than two thousand dollars, and for a third and succeeding convictions, in any sum not less than two thousand dollars nor more than five thousand dollars.

Record of rates fixed.

When rates take effect.

Penalties.

Penalty for second conviction.

Penalty for third conviction.

Jurisdiction to impose penalties.

§. 2. The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said railroad, and the Franklin circuit court shall

have jurisdiction of the offense against the railroad company or corporation offending, and the circuit court of the county where such offense may be committed by said officer, agent or employe shall have jurisdiction in all prosecutions against said officer, agent or employe.

§ 3. Prosecutions under this act shall be by indictment.

§ 4. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

§ 5. In making said investigation, said commission may, when deemed necessary, take the depositions of witnesses before an examiner or notary public, whose fee shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the Governor, the Auditor shall draw his warrant upon the Treasurer for its payment.

Approved March 10, 1900.

CHAPTER 3.

AN ACT to prevent the free transportation of any person or persons for the purpose of intimidating any officer or officers in this Commonwealth in discharge of his or their official duties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any common carrier of passengers operating in this Commonwealth to transport free of charge any person or

Prohibiting free transportation of persons for the purpose of intimidating officers.

persons to any place in this Commonwealth, either with or without tickets or passes, to a point where an official act of an officer or officers, under the laws of this Commonwealth, are required to meet by law and perform such duties as are required and enjoined upon them by the law, for the purpose of intimidating or alarming such officer or officers in the discharge of their official duties by the threatening or menacing presence of such person or persons so transported to such place where said officer or officers may be performing his or their official duties. That any common carrier found guilty of a violation of the provisions of this section shall, upon conviction thereof, be fined for the first offense in the sum of one thousand dollars, and for each subsequent offense in the sum of two thousand dollars, and each person or persons so transported in violation of this section shall be deemed a separate offense.

Penalty.

Prohibiting furnishing free transportation.

§ 2. That it shall be unlawful for any person or persons to furnish or provide any other person or persons in this Commonwealth any transportation, by passes or tickets or otherwise, over the route of any common carrier operating in this Commonwealth to any point in this State where it is made by law the place for any officer or officers, under the laws of this State, to meet and perform such duties as are enjoined upon such officer or officers by the law, for the purpose of intimidating or alarming such officer or officers by the threatening or menacing presence of such person or persons so furnished trans-

portation. That any person or persons found guilty of a violation of the provisions of this section shall each of them, upon conviction thereof, be fined for the first offense in the sum of five ^{Penalty.} hundred dollars, and for each subsequent offense shall each be fined in the sum of one thousand dollars, and each person so transported or furnished transportation, in violation of this section, shall be deemed a separate offense.

§ 3. That the court of any county through or into which each person shall be transported, in violation of either of the first or second sections of this act, shall have jurisdiction of the offenses therein named. ^{Jurisdiction to impose penalties.}

§ 4. That whereas, armed hordes of men have been transported to Frankfort, the seat of government, during the sittings of this present General Assembly, and in violation of this act; therefore, there is hereby declared an emergency to exist, and this act shall take effect and be in force immediately upon its passage and approval by the Governor. ^{Emergency clause.}

Approved March 15, 1900.

CHAPTER 4.

AN ACT to amend section seven of an act, entitled "An act to establish a State Board of Health, to provide for the appointment of local boards of health and a Superintendent of Vital Statistics," approved March sixteenth, eighteen hundred seventy-eight, and acts amendatory thereto, being section two thousand and fifty-four, chapter sixty-three, of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section
2054, Kentucky
Statutes.

§ 1. That section seven of an act, entitled An act to establish a State board of health, to provide for the appointment of local boards of health and a Superintendent of Vital Statistics, approved March sixteenth, eighteen hundred and seventy-eight, and acts amendatory thereto, the same being section two thousand and fifty-four, Kentucky Statutes, be amended by striking out the words "twenty-five hundred dollars," and inserting in lieu thereof the words "five thousand dollars," and by inserting after the words "which shall not exceed the sum hereby appropriated," the words except for the public printing of the said board, which shall be paid out of the State Treasury outside of this appropriation, as other public printing is now paid," so that said section when amended shall read as follows:

Increase of ap-
propriation.

Cost of printing
for said board.

Salary of secre-
tary and expenses
of board.

"The sum of five thousand dollars per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum hereby appropriated, except for the public printing of said board, which shall

be paid for outside of this appropriation as other public printing is now paid. Said expenses shall be certified and paid in the same manner as the salary of the secretary."

§ 2. As small pox is now prevailing in many sections of the State and the State Board of Health is without funds to discharge its duties, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Emergency
clause.

Approved March 12th, 1900.

CHAPTER 5.

AN ACT for the benefit of L. D. Smith and J. W. Coleman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the State Treasurer in favor of L. D. Smith and J. W. Coleman for five dollars per day, from the beginning of the present session of the General Assembly until its close, for their services in keeping and caring for the back capitol, and out of this appropriation Henry Russell and George Anderson, who have aided and assisted said Smith and Coleman in keeping and caring for back capitol, shall be paid one dollar per day each, by said Smith and Coleman, for their services.

Appropriation.

Persons entitled
to same.

§ 2. An emergency exists for the immediate

Emergency clause. effect of this act, for the reason that no law exists allowing pay for such services, therefore this act shall take effect from its passage.

Approved March 14th, 1900.

CHAPTER 6.

AN ACT to amend section nineteen of an act entitled "An act for the government of cities of the first class," approved July first, eighteen hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section 2781, Kentucky Statutes.

§ 1. That section nineteen of an act entitled, "An act for the government of cities of the first class, approved July the first, eighteen hundred and ninety-three, which reads: "Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the board of aldermen, sitting as a court, under oath or affirmation, upon charges preferred by the mayor or any two members of the board of councilmen, and, in case of the mayor, upon charges preferred by the board of councilmen. No person so tried shall be removed from office without the concurrence of two-thirds of the aldermen; and when a person has been so removed from office he shall be ineligible thereto during the term for which he had been elected," be amended by adding thereto,

Right of appeal of persons removed.

Provided, however, That any persons removed from office under the provisions of this section shall have the right of appeal to the circuit court and from thence to the court of appeals, and said

appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried, so that said section as amended shall read:

"Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the board of aldermen, sitting as a court, under oath or affirmation upon charges preferred by the mayor, or any two members of the board of councilmen, and in case of the mayor upon charges preferred by the board of councilmen,

"Provided, however, That any person removed from office under the provisions of this section shall have the right of appeal to the circuit court and from there to the court of appeals and said appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried."

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1900.

CHAPTER 7.

AN ACT to amend an act, entitled "An act for the government of cities of the second class," approved March nineteenth, eighteen hundred and ninety-four, for the better government, administration, disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and dependent children, fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years.

Amending chapter 100, page 234
Acts 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled An act for the government of cities of the second class, approved March the nineteenth, eighteen hundred and ninety-four, be amended by adding thereto the following:

Board of Police and Fire Commissioners, to prescribe rules, etc.

§ 2. That the government, administration, disposition and discipline on the fire department, and the officers, members and employes thereof, shall be such as the board of police and fire commissioners may, and is hereby authorized, from time to time, by rules, orders, and regulations to prescribe.

Commissioners to investigate charges.

§ 3. The police and fire commissioners shall have power and it is authorized to adopt rules and regulations for the examining, hearing, investigation and determining of charges made or preferred against members of the fire department, or employes thereof, but no officer, member, or employe thereof shall be fined, reprimanded, removed, suspended, or dismissed from the fire department until written charges have been made or preferred against him or them nor until such

charges have been examined, heard and investigated before said board and sustained.

§ 4. The said fire department shall consist of one chief, whose salary shall not be less than one hundred and fifty dollars per month; the engineer's salary shall be eighty dollars per month; the electrician's salary shall be seventy dollars per month and the ordinary fireman's salary, shall be sixty-five dollars per month.

§ 5. The manner of the appointment of the said members of the fire department and their qualifications and control and discipline of said department is not intended to be changed by this act, but to be controlled by the rules and regulations and laws as heretofore.

§ 6. There shall be organized in connection with said department a board to be known as the board of trustees of the firemen's pension fund, which shall be composed of the mayor of the city, chief of the fire department and police and fire commissioners, and said board shall select from their number a president. The city treasurer shall be ex-officio treasurer of said board and the funds coming into its hands. A secretary shall be elected by ballot by the members of the fire department for a term of two years, said election to be directed by proper rules of said board.

§ 7. There shall be set apart by the general counsel each year one-half of one per centum of

Manner of creating pension fund.

the general tax levy received for municipal purposes for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of sixteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and all moneys withheld from the officers, members or employes of the fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for said department, shall be paid into said fund each month, and credited upon the pay roll of the department, payable to said fund for that purpose; and all fines imposed by the board of police and fire commissioners upon officers, members or employes of the fire department by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments they may be paid or given on account of extraordinary service of any officer, member or employe of the department and all moneys received for penalties under the provisions of this act shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the

Investment of pension fund.

objects of the said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 8. Said board shall have exclusive control and management of the said fund, and all mon-
 eys donated, paid or assessed for the relief or pensioning of disabled members of the fire department, their widows and dependent children under the age of sixteen years, or dependent fathers or mothers, and shall assess each member of the fire department one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member, so assessed, the same to be placed by the treasurer of such city to the credit of such fund, subject to the order of such board.

Board to control and manage fund, also assess members of fire department.

§ 9. The said board shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

Board to hear and decide all applications for relief or pensions.

§ 10. The said board of trustees shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund in interest-bearing bonds of the United States, or the State of Kentucky, or any city of the first class in the State of Ken-

Manner of investing funds.

tucky, and all such securities shall be deposited with the treasurer of said city, as ex-officio treasurer of said board, and shall be subject to the order of said board.

Interest to pay
pensions.

§ 11. The interest received from the investment of said sum shall be applicable to the payment of pensions under this act, and it shall be within the power of the board of trustees to diminish and adjust the annual rate or per centum authorized by this act to be set apart for the firemen's pension fund from the general tax levy for municipal purposes, so that the income from interest, percentage of the salaries of the officers, members and employes, fines and other moneys received as set forth herein, shall meet the requirements of the pension list as provided by this act: Provided, That at no time shall the fund exceed two hundred thousand dollars.

Disabled officer,
member or em-
ploye.

§ 12. If any officer, member or employe of the fire department, while in performance of his duty, become or shall be found, upon examination by a medical officer, ordered by said board of trustees to examine said officer, member or employe, to be physically or mentally permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in such fire department: Provided, No such retirement on account of disability shall occur, unless said member has contracted said disability while in the service of said fire department, and

upon such retirement the board of trustees shall order the payment to such disabled member of such fire department, monthly from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or to any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his service in said department, and while in said service, and shall leave a widow or child or children under the age of sixteen years, or a dependent father or mother surviving, if said member was an unmarried man, said board of trustees shall direct the payment from said pension fund, monthly, to such widow while unmarried of thirty dollars, and for each child until it reaches the age of sixteen years, six dollars, and to the dependent father or mother, if said deceased member was unmarried and childless, thirty dollars.

§ 13. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Deficiency in
pension fund.

§ 14. Any member of the fire department of such cities having served twenty years or more

Retired list.

Amount paid,
etc.

in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department; and if his application is granted, or if he should be discharged from such department for disability or violation of the laws, rules or regulations of said board, the said board of trustees shall order and direct that such persons be paid a monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department. After the decease of a member his widow and children under sixteen years of age, or dependent father or mother, if any survive him, shall be entitled to the pension provided for in this act. This act shall apply to all persons who are now or shall hereafter become members of any organized paid fire department in any city of the second class.

Funeral expenses.

§ 15. Whenever an active or retired fireman shall die, as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

Beneficiaries.

§ 16. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in good standing in said fire department, his widow and children under the age of sixteen years, and his dependent father or mother.

§ 17. The treasurer of the board of trustees

shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and properties which may come into his hands as such treasurer, and that upon the expiration of his term of office he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city or said board to the use of said board, or any person or persons injured by a breach thereof.

Duty of the treasurer of the board of trustees.

§ 18. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said board of trustees, to draw warrants on the treasurer of said city, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

Manner of drawing warrants on treasurer of city.

Manner of drawing warrants on treasurer of board.

§ 19. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrants signed by the president of said board and countersigned by the secretary thereof, and no warrants shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

Annual report of board of trustees.

§ 20. The board of trustees shall make a report to the general council of said city of the condition of said pension fund, on the first meeting night in January in each and every year.

Pension fund not subject to execution, etc.

§ 21. No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subject to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but the said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

Emergency clause.

§ 22. Inasmuch as there is no protection at the present time to the members of the fire department in the employ of cities of the second class against death or accident, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 15, 1900.

CHAPTER 8.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," approved July the first, eighteen hundred and ninety-three, for the better government, administration, disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and dependent children, fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled An act for the government of cities of the first class, approved July the first, eighteen hundred and ninety-three, be amended by adding thereto the following:

Amending chapter 244, Acts 1893.

§ 2. That the government, administration, discipline and discipline of the fire department, and the officers, members and employes thereof, shall be such as the board of public safety may, and is hereby authorized from time to time by rules, orders and regulations to prescribe.

Board of Public Safety to prescribe rules, etc.

§ 3. The board of public safety is authorized and empowered to make, adopt and enforce rules, orders and regulations for the government, discipline, administration, and disposition of the fire department, and the officers, members and employes thereof. The board shall have power, and it is authorized, to adopt rules and regulations for the examining, hearing, investigation and determining of charges made or preferred against members of the fire department or employes thereof; but no officer, member or em-

Board of Public Safety to hear and determine charges.

ploye thereof (except as provided in this act) shall be fined, reprimanded, removed, suspended or dismissed from the fire department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said board of public safety may, by rules and regulations, from time to time prescribe:

Provided, however, That any officer, member or employe of the fire department who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full fire service or duty, may be removed or dismissed from the fire department by resolution of the board of public safety.

Force and effect
of certified copy
of rules and reg-
ulations.

A copy of the rules and regulations, or any or either of them, of the fire department or board of public safety may, when certified by the chairman or president of said board and the chief clerk of said fire department or board of public safety, be given in evidence upon any trial, investigation, hearing or proceeding of any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

Power to issue
subpoenas.

§ 4. The board of public safety shall have power to issue subpoenas, attested in the name of the chairman or president, to compel the attend-

ance of witnesses upon any proceeding authorized by law or its rules and regulations.

The board of public safety is hereby authorized and empowered to investigate, take evidence and hear any charge or charges made or preferred against any member or members of the fire department, but no judgment or other determination shall be rendered or pronounced, dismissing, removing or suspending any officer, member or employe of said fire department, or imposing any fine or forfeiture, unless a majority of the board of safety shall concur.

Majority of the board must concur in judgments.

§ 5. The board of public safety may, from time to time, establish, provide and furnish engine houses, and shall also provide and furnish such accommodations, apparatus and articles, and provide for the care thereof as shall be necessary for the fire department and the transaction of the business of said department. The board of public safety is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses and other necessary equipments for such houses, which apparatus, wagons, horses and other necessary equipments shall be under the control and care of said fire department, and for the exclusive use thereof.

Board to furnish equipments, etc.

§ 6. The fire department shall consist of one chief, whose salary shall not be less than two thousand and five hundred dollars per year; assistant chiefs of firemen, not exceeding in number one to each six companies in active service, and the salary of each assistant chief shall not be less

Officers and members of fire department and salary of same.

than one thousand and four hundred dollars per year; one captain for each fire company, whose salary shall not be less than two dollars and seventy-five cents per day; one secretary for the fire department, whose salary shall not be less than one thousand and four hundred dollars per year; one chief operator for the fire alarm telegraph, whose salary shall not be less than one hundred and fifteen dollars per month; one master mechanic or superintendent of machinery, whose salary shall not be less than one hundred dollars per month; one driver for each apparatus in service, whose salary shall not be less than two dollars and twenty-five cents per day; one stoker for each steam fire engine in service, whose salary shall not be less than two dollars and twenty-five cents per day; one engineer for each steam fire engine in service, whose salary shall not be less than ninety dollars per month; not less than two pipemen for each steam fire engine company, the salary of each not to be less than two dollars and fifty cents per day; seven ladder men for each hook and ladder company, the salary for each to be not less than two dollars and fifty cents per day; one tower man for each water tower company, whose salary shall not be less than two dollars and twenty-five cents per day; not less than two pipemen for each combination chemical and hose company, the salary of each not to be less than two dollars and fifty cents per day; two hydrant men, each of whom shall receive a salary of not less than two dollars and fifty cents per day; no less than four fire alarm operators, the salary of each to be not

less than two dollars and fifty cents per day; one aid to the chief, whose salary shall be no less than two dollars and fifty cents per day; one foreman of repair shop, whose salary shall be not less than seventy-five dollars per month; not less than one employe of the repair shop, whose salary shall not be less than two dollars and twenty-five cents per day; two pipemen for each chemical engine company, the salary of each not to be less than two dollars and fifty cents per day; not less than four linemen for fire alarm telegraph, each to receive a salary of not less than two dollars and fifty cents per day; one batteryman, whose salary shall not be less than two dollars and twenty-five cents per day. There shall be no less than one substitute fireman for each company.

§ 7. The board of public safety may, upon the recommendation of the chief of firemen, increase the number of firemen to such number as may in his or their wisdom be necessary to the efficiency of said department.

May increase
number of fire-
men.

§ 8. The board of public safety shall appoint all officers, members and employes of the fire department. No person shall be eligible to serve as chief of firemen or assistant chief of firemen who has not been a member of said department continuously for five years previous to his appointment or election.

Appointment of
officers, members
and employes.

No person shall be a captain of any fire company who has not been a member of said department for three years, one year of which shall have been continuously previous to his appointment.

All promotions in the fire department shall be for merit, such promotions to be made upon recommendation of the chief of firemen.

Penalties imposed by Board of Safety.

§ 9. The board of public safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of any officer, member or employe of the fire department, of any legal or criminal offense, or neglect of duty, violating of rules, or neglect or disobedience of orders, or absence without leave, or conduct unbecoming an officer, member or employe, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense.

When board may deduct and withhold salary.

§ 10. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary or compensation from any officer, member or employe of the fire department for or on account of absence for any cause without leave, sickness or other disability, physical or mental. Said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

When and how suits are maintained.

§ 11. No action, suit or proceeding, either at law or in equity, shall be commenced or maintained against the city, board of public safety, or any member thereof, or against the mayor, or

any member or members of the general council, by any officer, member or employe, or former officer, member or employe of or belonging to the fire department of said cities, to recover or compel the payment of any salary, pay, moneys, or compensation for or on account of any service or duty, or to recover any salary, compensation, or moneys, or any part thereof, forfeited, deducted or withheld for any cause, or to restore or reinstate to the fire department any member, officer or employe thereof, unless such action, suit or proceeding shall be instituted within six months after the cause of action shall have accrued.

§ 12. Absence without leave of any officer, member or employe of the fire department for five consecutive days shall be deemed and held to be a resignation, and the members so absent shall at the expiration of said period, cease to be an officer, member or employe of the fire department, and be dismissed therefrom without notice. No leave of absence shall be granted or allowed any officer, member or employe of the fire department without the recommendation or approval of the chief of said department.

§ 13. The board of public safety shall designate the salary and compensation of any other persons than those mentioned in this act whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. Compensation of the

officers, members and employes of the fire department shall be payable monthly by pay-roll as provided by ordinance.

Exempt from arrest, etc.

§ 14. No officer, member or employe of the fire department shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while on fire duty.

Right of way.

§ 15. The officers, members and employes of the fire department, with their apparatus of all kinds when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mails and any person in, or upon or owning any vehicle, who shall refuse the right of way, or in any way willfully obstruct any fire apparatus, or any of its said officers, members or employes while in the performance of their duties shall be guilty of a misdemeanor, and liable to punishment for the same.

Board of trustees of the Firemen's Pension Fund.

§ 16. There shall be organized in connection with said department a board to be known as the board of trustees of the firemen's pension fund, which shall be composed of the chairman or president of the board of public safety, the chief of firemen, the city attorney, the comptroller and the city treasurer; and said board shall select from their number a president and a secretary. The city treasurer shall be ex-officio treasurer of said board and the funds coming into its hands.

Manner of creating pension fund.

§ 17. There shall be levied and set apart by the general council of cities of the first class

each year one-half of one per centum on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of sixteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and all moneys withheld from the officers, members or employes of the fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for said department, shall be paid into said fund each month, and credited upon the pay-roll of the department payable to said fund for that purpose; and all fines imposed by the board of public safety upon officers, members or employes of the fire department, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the department (except when specially allowed by the board of public safety to be retained by such members) and all moneys received for penalties under the provisions of this act shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall

be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of the said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

Management of fund and assessment of members.

§ 18. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid or assessed for the relief or pensioning of disabled members of the fire department, their widows and dependent children under the age of sixteen years, or dependent fathers or mothers, and shall assess each member of the fire department one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city to the credit of such fund, subject to the order of such board.

Board to hear and decide applications.

§ 19. The said board shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

May invest pension fund.

§ 20. The said board of trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the fire-

men's pension fund, in interest-bearing bonds of the United States or the State of Kentucky or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the treasurer of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

§ 21. The interest received from the investment of said sum shall be applicable to the payment of pensions under this act, and it shall be within the power of the board of trustees to diminish and adjust the annual rate or per centum authorized by this act to be set apart for the firemen's pension fund from the general tax levy for municipal purposes, so that the income from interest, percentage of the salaries of the officers, members and employes, fines and other moneys received as set forth herein, shall meet the requirements of the pension list as provided by this act: Provided, That at no time shall the fund exceed three hundred thousand dollars.

§ 22. If any officer, member or employe of the fire department, while in the performance of his duty, become or shall be found, upon examination by a medical officer, ordered by said board of trustees to examine said officer, member or employe, to be physically or mentally permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in

Board to adjust
rate of per
centum.

Disabled officer,
member or em-
ploye.

such fire department: Provided, No such retirement on account of disability shall occur, unless said member has contracted said disability while in the service of said fire department; and upon such retirement, the board of trustees shall order the payment to such disabled member of such fire department, monthly, from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or to any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his services in said department, and while in said service, and shall leave a widow or child or children under the age of sixteen years, or a dependent father or mother surviving, if said member was an unmarried man, said board of trustees shall direct the payment from said pension fund, monthly, to such widow while unmarried of thirty dollars, and for each child until it reaches the age of sixteen years, six dollars, and to the dependent father or mother, if said deceased member was unmarried and childless, thirty dollars.

Deficiency in pension fund.

§ 23. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be re-

plenished to warrant the payment in full to each of said beneficiaries.

§ 24. Any member of the fire department of such cities having served twenty years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, and if his application is granted, or if he should be discharged from such department for disability or violation of the laws, rules or regulations of said board, the said board of trustees shall order and direct that such persons be paid a monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department. After the decease of a member his widow and children under sixteen years of age, or dependent father or mother, if any survive him, shall be entitled to the pension provided for in this act. This act shall apply to all persons who are now or shall hereafter become members of any organized paid fire department in any city of the first class.

Retired list,
amount paid, etc.

§ 25. Whenever an active or retired fireman shall die as aforesaid the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

Funeral expenses.

§ 26. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in good

standing in said fire department, his widow and children under the age of sixteen years, and his dependent father or mother.

Duty of the
treasurer of the
board of trustees.

§ 27. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and properties which may come into his hands as such treasurer, and that upon the expiration of his term of office he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city or said board to the use of said board, or any person or persons injured by a breach thereof.

Manner of draw-
ing warrants on
treasurer of city.

§ 28. It shall be the duty of such officer or officers of the city as are designated by law to

draw warrants on the treasurer of said city, on request in writing by said board of trustees, to draw warrants on the treasurer of said city payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

§ 29. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

Manner of drawing warrants on treasurer of board of trustees.

§ 30. The board of trustees shall make a report to the general council of said city of the condition of said pension fund, on the first meeting night in January in each and every year.

Annual report of boards of trustees.

§ 31. No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

Pension fund not subject to execution, etc.

§ 32. Inasmuch as there is no protection at the

Emergency
clause.

present time to the members of the fire department in the employ of cities of the first class against death or accident, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 16, 1900.

CHAPTER 9.

AN ACT concerning free public libraries in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Duty of cities
and common
council regarding
public libraries.

§ 1. Whenever in any city of the second class under laws heretofore enacted, there has heretofore been, or shall hereafter be, accumulated, money to the amount of twenty thousand dollars (\$20,000), for the purpose of establishing and maintaining a free public library, then it shall be, and is made the duty of every such city and the common council thereof, to appropriate annually for the support of such free public library, such sums of money as may be necessary, with funds otherwise therefor provided by law to make the total annual sum applied to such purpose by every such city not less than the sum of five thousand dollars (\$5,000).

Citizen or con-
tributor may en-
force act.

Any citizen or tax payer of such city, or any contributor to the fund for establishing or maintaining such free library, or his legal representatives may by action enforce performance of this act.

The fact having been made known to the General Assembly, it is hereby declared that in the

city of Covington more than the sum of twenty thousand dollars (\$20,000) has under laws heretofore enacted been accumulated for the establishing and maintaining of a free public library:

Provided, That nothing herein shall be construed as requiring any appropriation to be made by any city in which there is now established a free public library supported and maintained in whole or in part by such city.

When appropriation is not required.

§ 2. Because of the benefits to be denied from free public libraries an emergency is hereby declared and this act shall take effect from its approval by the Governor or passage.

Emergency clause.

Approved March 17, 1900.

CHAPTER 10.

AN ACT to amend an act entitled "An act to regulate the assessment of property for taxation and the payment thereon belonging to non-residents of the counties in which the same is situated," approved March 19, 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to regulate and insure the assessment of property for taxation and payment of taxes thereon belonging to the non-residents of the counties in which the same is situated," approved March 19, 1894, be, and the same is amended as follows, and re-enacted as amended: That section first of said act be amended so as to read as follows:

Amending section 4048 Kentucky Statutes.

"§ 1.. That it shall be the duty of all persons owning any real or personal property in this State, other than in the county in which the said owners reside, or if they should reside out

Manner of assessing property of non-residents.

Penalty for failure to comply with act.

of the State, to list the property for taxation, personally, or by an authorized agent, in the county where situated, at the same time and in the same manner as is now required by law of resident owners; or to file a descriptive list of the same between the fifteenth day of September, and the fifteenth day of October in each year, with the county court clerk of the county where said property is located, fixing a fair cash value of the same, and giving the nearest resident thereto, and the number of the magisterial district in which the same is located. Whoever shall willfully fail or refuse to comply with the provisions of this act shall be fined not exceeding fifty dollars, to be recovered by an indictment in the county in which the same is situated: Provided, That no fine shall be assessed when the property is assessed and taxes paid by the owner or his agent."

That all actions and prosecutions now pending, in which judgment of conviction has not been rendered, shall proceed under the provisions of this act.

Approved March 17, 1900.

CHAPTER 11.

AN ACT to repeal section seven, chapter one hundred and fifty-two, session acts eighteen hundred and ninety-one, ninety-two and ninety-three, relating to railroad fences.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1795 Ky. Statutes repealed.

§ 1. That section seven of chapter one hundred and fifty-two of session acts of eighteen hundred and ninety-one and ninety-two and ninety-three, approved February the twenty-fifth, eighteen hundred and ninety-three, and being section sev-

enteen hundred and ninety-five of the Kentucky Statutes, be, and the same is hereby repealed, and the following is substituted:

"All laws and parts of laws governing the construction of farm fences are held hereby to apply to railroad fences in all cases where, by the provision of this act, railroad corporations are required to fence their right of way."

Approved March 17, 1900.

CHAPTER 12.

AN ACT making it unlawful for any corporation to contribute to the campaign fund of any political parties or by promises or threats to influence the vote or votes of any employe or employees of such corporation and fixing penalties therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any corporation chartered under the laws of this State, or authorized to do business therein, by virtue of the laws thereof of itself or by or through its agent, attorney or any employe or officer thereof, to subscribe to, give, procure for or to furnish any money, privilege, favor or other thing of value to any political or quasi political organization, or party or any officer or member thereof to be used by such political or quasi political party or organization for any purpose or purposes whatever, or afterwards to reimburse or compensate in any way or manner any person or persons who shall have subscribed, given, procured or furnished any such money, privilege, favor or other thing of value, to be used by such political or quasi politi-

An act to prevent corporations from interfering in elections.

cal party or organization for any purposes whatever.

Penalty prescribed against corporations.

And any corporation which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than five hundred dollars or more than five thousand dollars for each offense, and its charter or authority to do business in this State shall, upon such conviction be repealed, revoked and held for naught.

Penalty prescribed against attorneys, employees, etc.

§ 2. Any officer, agent, attorney, servant or employe of any corporation chartered under the laws of this State or authorized by the laws thereof to do business therein, or any person whatever acting for or representing any such corporation who shall disburse, distribute, pay out or in any way handle any money, funds or other thing of value that belongs to or has been furnished or is being furnished by any such corporation or agent, attorney, employe or servant thereof to be used or employed in any way for the purpose of aiding or assisting or advancing the cause of any political or quasi political party or organization or of any candidate for public office in any way whatever, shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than two hundred and fifty dollars nor more than one thousand dollars and imprisoned in the county jail at hard labor not less than three months nor more than twelve months for each offense.

Penalty against corporations for interfering with suffrage of employees, etc.

§ 3. Any corporation chartered under the laws of this State, or authorized to do business therein, which shall, through any officer, attorney,

agent or employe, or otherwise, directly or indirectly, influence or attempt to influence by bribe, favor, promise, inducement, threat or otherwise, the vote or suffrage of any employe or servant of such corporation against or in favor of any candidate, platform or principles or issue in any election held under the laws of the Commonwealth, shall be guilty of a misdemeanor and shall, upon conviction be fined not less than five hundred dollars nor more than five thousand dollars for each offense, and its charter, or authority to do business in this State, shall, upon such conviction, be repealed, revoked, annulled and held for naught.

Approved March 17, 1900.

CHAPTER 13.

AN ACT to amend an act of the General Assembly of the Commonwealth of Kentucky, entitled an act regulating the sale of food, which became a law June thirteenth, eighteen hundred and ninety-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First: That the statute mentioned in the title of this act, and being an act regulating the sale and manufacture of food, which became a law on June the thirteenth, eighteen hundred and ninety-eight, be, and the same is hereby repealed, and in lieu thereof the following is enacted:

§ 1. It shall be unlawful for any person, persons or corporation within this State to manufacture for sale, or expose for sale, or have in his

Amending chapter 52, page 135 acts 1898, section 1906a Kentucky Statutes.

Unlawful to offer adulterated food for sale, etc.

or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act; and any person, persons or corporation, who shall manufacture for sale, expose for sale, or have in his or their possession for sale, or sell any article of food which is adulterated or misbranded in violation of this act, shall be fined not to exceed one hundred dollars, or be imprisoned for not more than fifty days, or both such fine and imprisonment.

Penalty.

Term food. What it includes.

§ 2. The term food, as used in this act, shall include every article used for, or entering into the composition of food or drink of man or domestic animals, except spirituous, vinous or malt liquors.

The term misbranded, as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

Adulterated.

§ 3. For the purpose of this act, an article shall be deemed adulterated

What shall be so deemed.

First: If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any inferior substance or substances be substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be an imitation, or sold under the name of another article, provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Fifth: If it is colored, coated, polished or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth: If it contains poisonous ingredients which may render such article injurious to the health of the party consuming it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh: If it consists in whole or in part of a diseased, filthy or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter.

Eighth: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product, when not so, or is an imitation either in package or label of another substance of a previously established name.

Provided, that any articles of food which are adulterated or misbranded within the meaning of

this act, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled "adulterated," or labeled, branded or tagged so as to show the exact character thereof.

Provided, further, that nothing in this act shall be so construed as requiring or compelling proprietors or manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except so far as the provisions of this act require to secure freedom from adulteration or imitation, but in the case of baking powder every can or other package shall be labeled so as to show clearly what acid salt has been used in making the same..

Provided, further, that no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment Station, signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased said article, and provided that he establishes that such guarantor or guarantors reside in the State of Kentucky. But said guaranty to afford protection shall contain the full name and address of the party or parties making the sale of such article to such dealer.

Analysis to be
made by director
of the Kentucky
Agricultural Ex-
periment Station.

§ 4. The director of the Kentucky Agricultural Experiment Station shall make or cause to be made examinations of samples of food manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make or cause to be made analyses

of all food products which the State Board of Health may suspect of being injurious to health, and of any sample of food furnished by any Commonwealth's, county or city attorney of this Commonwealth. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein it is suspected any adulterated article of food exists, and such agent or agents upon tendering the market prices of such articles, may take from any person, firm or corporation, samples of any articles suspected of being adulterated or misbranded. The director of said station is hereby empowered to adopt and fix standards of purity, quality or strength, when such standards are not specified or fixed by statute.

§ 5. Whenever any sample shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or city attorney of any city or town in which the said adulterated or misbranded food product was found; together with a statement of the results of the examination of the said article of food duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said station

Facts to be certified by director to commonwealth's attorney.

shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law.

Annual report.

§ 6. Said station shall make an annual report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed one hundred and fifty pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

Bulletin issued
by experiment
station.

§ 7. The said experiment station may issue at least once a year a bulletin giving the results of all analyses of samples taken under this act, together with the names of the parties from whom the samples were taken; as far as possible, the names of the manufacturers; the number of samples found to be adulterated; the number not found adulterated; and the number of adulterated samples that have been reported by the station to the different Commonwealth's attorneys, county and city attorneys of the State. The edition of this bulletin shall not be less than ten thousand copies, to be distributed free to citizens of the State who may desire the same, and to other interested persons so long as the edition may last.

Cost of analysis.

§ 8. Said experiment station shall receive five dollars (\$5.00) for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring sam-

ples, expert witnesses attending the grand juries and courts, clerk hire and attorney's fees; provided the total expenses from all sources shall not exceed in any one year seven thousand, five hundred dollars (\$7,500). The board of control of said experiment station shall furnish to the auditor of public accounts an itemized statement of all expenditures of money made under this act.

The amount of expenditures reported to the auditor shall be paid by the Commonwealth to the treasurer of said experiment station upon the written request of the board of control of said experiment station, and the auditor, for the payment of same, is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the Commonwealth.

Amount of expenditures reported to auditor. How paid.

§ 9. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

Fines; how to be applied.

§ 10. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

Action not to be maintained.

§ 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing clause.

Approved March 17, 1900.

CHAPTER 14.

AN ACT for the benefit of J. M. Simmons and B. S. Huntsman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of three hundred dollars be, and is hereby, allowed J. M. Simmons in full of

Appropriation to defray expenses of contest.

his costs and expenses in contesting the election of B. S. Huntsman to a seat in the Kentucky Senate as senator from the eleventh district, and the sum of two hundred dollars be, and same is hereby, allowed to B. S. Huntsman in full of his costs and expenses in his defense in said election contest.

Auditor directed
to draw warrant.

§ 2. The auditor is ordered and directed to draw his warrant upon the treasurer for the sum of three hundred dollars in favor of said J. M. Simmons, and further directed and ordered to draw his order on the treasurer for said sum of two hundred dollars in favor of said B. S. Huntsman.

Approved March 14, 1900.

CHAPTER 15.

AN ACT to amend an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April fifth, eighteen hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section
625 Kentucky
Statutes, chapter
32, acts 1893,
article 4, section
88, page 644.

§ 1. That section eighty-eight of article four of an act entitled, An act providing for the creation and regulation of private corporations (which became a law April fifth, eighteen hundred and ninety-three, the Governor not having signed or returned same to the House in which it originated within the time prescribed by the Constitution), be, and the same is hereby, amended and re-enacted as follows, to-wit:

By striking out the words "within the State of

Kentucky" from the fourth line of said section, and by striking out the words "but the current market value of such bonds and stocks or other evidence of indebtedness, excepting United States Government securities, shall be at all times during the continuance of such loans at least twenty per cent. more than the sum loaned thereon," from the twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second lines thereof, and said section as amended is re-enacted so as to read:

"The capital stock and accumulations of all insurance corporations may be invested in bonds and mortgages, lien notes or deeds of trust, on Manner of investing capital stock and accumulations. unincumbered real estate worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan continues; and, also, in the bonds of this State or of any other State of the United States, or in the bonds of the United States; and, also, in the bonds of any county, or incorporated city or town of this State authorized to be issued by the Legislature; and, also, in the stocks of incorporated bank and trust companies of this State, and of national banks of this State, or of adjacent States, and in the first mortgage bonds of railroads of this and other States, bonds or stocks of any bridge, water, street railroad, gas or electric corporations of this State which have for two years previous to the time of making the investment paid interest or dividends of not less than four per cent. per annum, and shall have a market value not more than twenty per cent.

below par; and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid; and to change and reinvest the same as occasion may from time to time require; and in all investments made upon mortgage securities the evidence of the debt and the value of the property shall accompany the mortgage. No insurance company shall own more than one-fourth of the capital of any bank or corporation, nor invest in, nor loan on, the stocks and bonds, both included, of any one railroad company, more than one-tenth of its own capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds, nor shall the loans on mortgage of real estate, exclusive of lien notes, exceed three-fourths of the capital and accumulated funds of any company organized under the laws of this Commonwealth. Insurance companies chartered by this State, and now doing business, shall not be compelled to change any investment heretofore legally made.

Approved March 20, 1900.

CHAPTER 16.

AN ACT to amend an act, entitled "An act for the government of cities of the first class," and section one hundred and ninety-six thereof, approved July one, eighteen hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section
2981 Kentucky
Statutes, chapter
89.

§ 1. That section one hundred and ninety-six of an act entitled, An act for the government of

cities of the first class, approved July one, eighteen hundred and ninety-three. and which reads as follows:

"In the ordinance fixing for any year the tax rate the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for the reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a levy for the house of reform, a levy for charitable institutions, a levy for parks, a levy for library purposes, and a levy for general purposes and a deficit tax. The general council may omit any of the foregoing levies when not demanded by the public interest," be amended by striking out of said section the words: "The general council shall omit any of the foregoing levies when not demanded by the public interests," and insert in lieu thereof the words: "The general council shall cause the foregoing levies to be made for the purposes stated by an ordinance fixing the tax rate each year," so the said section shall read:

"In the ordinance fixing for any year the tax rate the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a

Division of tax
levy and duty
imposed on gen-
eral council.

levy for the house of reform, a levy for charitable institutions, a levy for parks, a levy for library purposes, and a levy for general purposes and a deficit tax. The general council shall cause the foregoing levies to be made for the purposes stated by an ordinance fixing the tax rate each year."

§ 2. This act shall take effect from and after its passage..

Approved March 20, 1900.

CHAPTER 17.

AN ACT authorizing condemnation of lands and material for the use of oil and gas pipe lines, declaring such a public use, prescribing the mode of condemning lands and materials for such use, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All corporations or companies organized for the purpose of constructing, maintaining or operating oil or gas well or wells or pipe line or lines for conveying, transporting or delivering oil or gas, or both oil and gas, are hereby vested with the right and power to condemn lands and material in this Commonwealth or the use and occupation of so much thereof as may be necessary for constructing, maintaining and operating such pipe line, or lines, and all necessary machinery, pumping stations, appliances and fixtures, including tanks, telephone and telegraph lines, for use in connection therewith, together with rights of ingress and egress to examine, alter, repair, maintain and operate or remove such pipe line or lines, all such being hereby declared to be a

Rights and power
to condemn lands,
etc.

public use; and when any such corporation or company desires to construct oil or gas pipe line or lines, or both, for the purpose of conducting, transporting or delivering oil or gas, or both, over the lands of others, shall be unable to contract or agree with the owner or owners, of land or material necessary for its use for said purposes, it may, in the mode prescribed for the condemnation of land for railroads, condemn the use of so much of said land as may be necessary for the purpose of constructing, maintaining and operating such pipe line or lines, and all necessary machinery, pumping stations, appliances and fixtures, including necessary tanks, telephone and telegraph lines, and including rights of ingress and egress to examine, alter, repair, maintain and operate or remove the same.

§ 2. Whereas, for the reason that there is now no provisions of law whereby condemnation proceedings may be had by corporations or companies operating pipe lines for the transportation and distribution of oil and gas in this Commonwealth, and such power is, or may be, necessary to such construction, maintenance and operation, an emergency is hereby declared to exist, and for this reason this act shall take effect and be in force from and after its passage and approval by the Governor.

Emergency clause.

Approved March 20, 1900.

CHAPTER 18.

AN ACT to amend an act, entitled "An act to incorporate the town of Kirkmansville, in Todd county, Kentucky," approved April seventh, eighteen hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixth of an act entitled, An act to incorporate the town of Kirkmansville, in Todd county, Kentucky, and which was approved April seventh, eighteen hundred and eighty-two, and which said section six reads as follows, to-wit:

"§ 6. One-half the amount of all fines and judgments recovered by the trustees for a violation of this charter, or any ordinance or by-law made in pursuance thereof, shall be appropriated by said trustees for the benefit of the schools in said town," be, and the same is, now repealed.

§ 2. This act shall take effect from its passage.

Approved March 20, 1900.

CHAPTER 19.

AN ACT to amend and re-enact an act entitled "An Act fixing the times and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December twenty-second, eighteen hundred and ninety-two, so far as same applies to the Fifth, Ninth and Tenth circuit court districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section
965 Kentucky
Statutes, chapter
35.

§ 1. That an act entitled, An act fixing the time and terms of circuit courts in the counties composing the several judicial districts of this

Commonwealth, approved December twenty-second, eighteen hundred and ninety-three, so far as the same fixes the time and terms of the fifth, ninth and tenth circuit court districts be, and the same is hereby amended and re-enacted so as to make the same read as follows:

"Fifth District. Henderson county, at Henderson, on the first Mondays in January and September, and continue forty-eight juridical days each term, and on the first Monday in May and continue thirty juridical days. Union county, at Morganfield, on the first Mondays in March and November and continue twenty-four juridical days each term and on the second Monday in June and continue eighteen juridical days. Webster county, at Dixon, on the first Mondays in April, July and December, and continue twenty-four juridical days each term."

Time of court in Fifth district.

"Ninth District. Grayson county, at Leitchfield, on the first Monday in January, eighteen juridical days; on the first Monday in April, eighteen juridical days; first Monday in September, eighteen juridical days. Meade county, at Brandenburg, on the fourth Mondays in January, April and September, twelve juridical days each. Breckinridge county, at Hardinsburg, on the second Mondays in February, May and October, eighteen juridical days each. Hardin county, at Elizabethtown, on the first Mondays in March and June, and the second Monday in November, twenty-four juridical days each, for the March and June term, and thirty juridical days for the November term."

Time of court in Ninth district.

Time of court in
Tenth district.

Tenth District. Barren county, at Glasgow, on the first Monday in March, eighteen juridical days; third Monday in June, twenty-four juridical days; second Monday in November, twenty-four juridical days. Hart county, at Munfordville, on the first Monday in January, eighteen juridical days; second Monday in April, eighteen juridical days; second Monday in September, eighteen juridical days. Larue county, at Hodgenville, on the fourth Monday in January, twelve juridical days; first Monday in May, twelve juridical days; first Monday in October, twelve juridical days. Nelson county, at Bardstown, on second Monday in February, eighteen juridical days; third Monday in May, twenty-four juridical days; third Monday in October, eighteen juridical days. Bullitt county, at Shepherdsville, on the fourth Monday in March, twelve juridical days; fourth Monday in August, twelve juridical days; second Monday in December, twelve juridical days.

Approved March 20, 1900.

CHAPTER 20.

Amending section
965 Kentucky
Statutes, chapter
35.

AN ACT to amend and re-enact an act, entitled "An act fixing the times and terms of Circuit Courts in the counties composing the several judicial districts in this Commonwealth," approved December twenty-second, one thousand eight hundred and ninety-two, so far as the same applies to the Fifth Circuit Court District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fixing time of
courts in Fifth
district.

§ 1. That an act entitled, An act fixing the time and terms of the circuit courts in the counties composing the several judicial districts of

this Commonwealth, approved December twenty-second, one thousand eight hundred and ninety-two, so far as the same fixes the time and terms of the fifth circuit court district, be, and the same is, hereby, amended and re-enacted so as to make the same read as follows:

Fifth District. Henderson county, at Henderson, on the first Mondays in January and September, and continue forty-eight juridical days each term; and on the first Monday in May, and continue thirty juridical days.

Union county, at Morganfield, on the first Mondays in March and November, and continue twenty-four juridical days each term; and on the second Monday in June, and continue eighteen juridical days.

Webster county, at Dixon, on the first Mondays in April, July and December, and continue twenty-four juridical days each term.

§ 2. Under this act the Commonwealth of Kentucky will be relieved of the cost and expense of a circuit court held in the month of August. An emergency is, therefore, declared to exist; and this act shall take effect and be in force from and after its passage.

Approved March 20, 1900.

CHAPTER 21.

AN ACT providing for the construction of bridges across navigable streams in this Commonwealth.

Whereas, section nine of the act of Congress, approved March third, eighteen hundred and ninety-

Federal law pertaining to navigable streams, etc.

nine, provides that "it shall not be lawful to construct or commence the construction of any bridge, dam, dike or causeway over or in any port, roadstead, haven, harbor, canal, navigable river or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained, and until the plans for the same shall have been submitted to and approved by the chief of engineers and by the secretary of war. Provided, That such structures may be built under authority of the Legislature of a State across rivers and other waterways, the navigable portion of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the chief of engineers and by the secretary of war before construction is commenced;" and,

Whereas, No authority has been granted by the Legislature of Kentucky for such construction; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Right to construct bridges.

§ 1. That it shall be lawful to construct bridges over any navigable river or other navigable water, the navigable portions of which lie wholly within the limits of the State of Kentucky, provided the location and plans thereof have been approved by the chief of engineers and by the secretary of war, before construction has commenced.

Approved March 20, 1900.

CHAPTER 22.

AN ACT to amend an act approved March seventeenth, eighteen hundred and ninety-six, entitled, "An Act to amend an act entitled an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March nineteenth, eighteen hundred and ninety-four, and being section three thousand two hundred and nineteen of the Kentucky Statutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight of article nine, relating to public schools, and being the last article of an act entitled, An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March nineteenth, eighteen hundred and ninety-four, and the amendatory act thereto approved March seventeenth, eighteen hundred and ninety-six, entitled, An act to amend an act entitled, An act for the government of cities of the second class, in the Commonwealth of Kentucky, approved March nineteenth, one thousand eight hundred and ninety-four, and being section three thousand two hundred and nineteen of the Kentucky Statutes, be amended and re-enacted so that said section shall read as follows:

Amending and re-enacting chapter 17, page 23, Acts of 1896.

Kentucky Statutes, section 3219.

§ 8. Said board shall annually, in the month of January, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing of buildings, et cetera, thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky (which

Approximation of school expenses in January.

amount the board shall ascertain by taking the census required by law in April,) to the auditor and thereupon the general council shall, at the request of said board, levy and collect such taxes as may be requested, and the money arising from said levy shall, under the direction and control of said board, be used for the benefit of the common schools and for the purpose of paying off the indebtedness of said board.

Tax levy.

Provided, That said levy shall not, in any one year, exceed thirty-five cents on each one hundred dollars' valuation, and ten cents on each one hundred dollars' valuation additional for sinking fund purposes, as returned by the board of equalization on all taxable property in the city. And provided further, That this act shall not be so construed as to prevent said board from receiving and expending any sum or sums that may come to them by gift, devise or any law of the State.

How collected.

The tax bill for all taxes levied by the general council for the public schools, shall be made out by the city clerk and included in the tax bills containing the ordinary levy, and shall be collected with the same, by the same officer and in the same manner that the ordinary levies are collected by the collecting officer; and the powers and duties conferred and required of officers in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes levied for said public schools, and such collecting officer and his sureties shall be liable under his official bond for any failure to perform his duties, upon which

bond suit may be brought for the use of said board and recovery had for such amount as shall be found due thereon. All such sums of money, when collected and paid into the city treasury, shall be set apart to, and passed over to, the common school fund, subject to, and drawn out only by the order of said board, as provided by law and ordinances of said board then existing.

Said board of education shall have the power to borrow money on the credit of the board in Power to borrow money. anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed and pledge said school taxes for the payment of the principal and interest of said loan; provided, that the interest paid shall in no case exceed six per cent. per annum, and the principal shall in no case exceed fifty per cent. of the anticipated revenue.

Said board of education shall have power to issue school bonds to run for not exceeding forty Power to issue school bonds. years for an amount not exceeding one hundred thousand dollars sufficient to purchase sites and erect and equip school houses. Provided, That said bonds do not bear exceeding six per cent. per annum interest, payable semi-annually and shall not be sold for less than par and accrued interest, and the proceeds of said bonds shall be used exclusively for the purposes named in this act and shall not be in violation of the Constitution of this Commonwealth: And provided, That said bonds shall not be issued without the assent of two-thirds of the voters of said city voting at an election to be held for that purpose.

Assent obtained
before passage of
this act.

And, provided, That wherever the assent of two-thirds of the voters of said city has heretofore been obtained at an election held for that purpose in conformity with the provisions of this act, said assent is hereby declared to be as binding and legal and shall have the same force and effect as if obtained since the passage of this act: And, provided, Any indebtedness contracted in violation of this section shall be void. And provided further, That it shall be the duty of the county officers entrusted with the duty of conducting elections to hold said election when requested so to do by said board of education and the holding of said election shall be, after fifteen days' notice in the official paper of the city, and the conduct and returns of said election shall be made as provided in the general election law. And provided, The board may pledge the property so purchased and equipped with the proceeds of said bonds, and all other school property and the revenues of said board, for the payment of the principal and interest of said indebtedness. And provided, That said board of education shall annually request the general council of said city to provide for the collection of a sinking fund tax sufficient to pay the interest on said indebtedness at the time of contracting the same and to create a sinking fund for the payment of the principal thereof within the term for which said bonds are issued, and said general council shall also levy and collect such other school taxes as may be requested by the board of education within the limit fixed by statute.

Elections.

Board may
pledge property.

Sinking fund.

§ 2. An emergency exists for the immediate effect of this law, because there is no law allowing said board of education to provide for the payment of teachers until the taxes are collected, and additional school buildings, are needed in each of the cities of the second class, therefore this act shall take effect upon its approval by the Governor.

Approved March 20, 1900.

CHAPTER 23.

AN ACT relating to the taxation of the shares of stock of national banks.

Whereas, The Supreme Court of the United States has lately decided that article three (3), chapter one hundred and three (103) of the acts eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three is void and of no effect in so far as the same provides for the taxation of the franchise of national banks, in consequence of which decision there is not now and has not been since adoption of said article in eighteen hundred and ninety-two, any adequate mode of taxing national banks, while State banks are now and have been ever since eighteen hundred and ninety-two, taxable for all purposes, State and local; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the shares of stock in each national bank of this State shall be subject to taxation for all State purposes, and shall be subject to taxation for the purposes of each county, city, town

Taxing shares of
national bank
stock.

and taxing district in which the bank is located.

Manner of listing.

§ 2. For purposes of the taxation provided for by the next preceding section, it shall be the duty of the president and the cashier of the bank to list the said shares of stock with the assessing officers authorized to assess real estate for taxation, and the bank shall be and remain liable to the State, county, city, town and district for the taxes upon said shares of stock.

When shares have not been listed since revenue law of 1892.

§ 3. When any of said shares of stock have not been listed for taxation for any of said purposes under levy or levies of any year or years since the adoption of the revenue law of eighteen hundred and ninety-two, it shall be the duty of the president and cashier to list the same for taxation under said levy or levies: Provided, That where any national bank has heretofore, for any year or years, paid taxes upon its franchise as provided in article three (3) of the revenue law of eighteen hundred and ninety-two, said bank shall be excepted from the operation of this section as to said year or years: And pro-

Where franchise tax has been paid.

Where paid under Hewitt bill.

vided further, That where any national bank has heretofore, for any year or years, paid State taxes under the Hewitt bill in excess of the State taxes required by this act for the same year or years, said bank shall be entitled to credit by said excess upon its state taxes required by this act.

Assessments entered and reported as real estate is entered and reported.

§ 4. All assessments of shares of stock contemplated by this act shall be entered upon the assessor's books, certified and reported by the assessing officers as assessments of real estate are

entered, certified and reported, and the same shall be certified to the proper collecting officers for collection as assessments of real estate, are certified for collection of taxes thereon.

§ 5. The assessments of said shares of stock and collection of taxes thereon, as contemplated by this act, may be enforced as assessments of real estate and collection of taxes thereon may be enforced. Assessments; how enforced.

§ 6. The purpose of this act is to place national banks of this State, with respect to taxation, upon the same footing as State banks as nearly as may be consistently with said article three (3) of the revenue law and said decision of the Supreme Court. Purpose of act.

§ 7. Whereas, it is important that State banks and national banks should be taxed equally for all purposes, an emergency exists, and this act shall take effect and be in force from and after its passage. Emergency clause.

Approved March 21, 1900.

CHAPTER 24.

AN ACT to provide additional dormitories and other necessary buildings and improvements for, and in connection with, the Agricultural and Mechanical College of Kentucky, to make appropriations therefor, and to provide for the administration and management thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixty thousand dollars, or so much as may be necessary therefor, be and the same is hereby appropriated for the purchase of ground and the erection thereon of a suitable building as a dormitory for young women stu- Appropriation for the benefit of the A. & M. College of Kentucky.

dents of the Agricultural and Mechanical College of Kentucky, and the equipment and furnishing thereof, which dormitory shall be capable of lodging and boarding comfortably one hundred and twenty-five persons; also, for the purpose of erecting and equipping a suitable building for military instruction, physical culture and rooms for Young Men's Christian Association; also, for the erection and equipment of a suitable building for the use of the normal department and for the use of the academy; also, for the erection and equipment of a dormitory for young men students of said college; also for the purpose of erecting and furnishing an annex for the use of the engineering departments of said college.

Women's dormitory.

§ 2. Thirty thousand dollars of the sum appropriated under section 1 of this act is hereby set apart for the purchase of ground and erection of a dormitory for young women and for the equipment and furnishing of the same. Said building shall contain the necessary bed rooms, water closets, bath rooms, kitchen, store rooms, hall for physical culture with the necessary conveniences which should appertain thereto. Said women's dormitory shall not be situated on any part of the ground known as the College Campus. The title to said property shall be vested in the board of trustees of the Agricultural and Mechanical College of Kentucky.

Residue of appropriation; how expended.

§ 3. The residue of the appropriation made by this act shall be used by the board of trustees of said college in erecting, equipping, and furnishing

the other buildings set forth in section 1 of this act, and if the residue of the appropriation be not sufficient therefor, then it shall be expended in erecting and furnishing such of said other buildings as the board of trustees may think most necessary until said appropriation be exhausted.

§ 4. The board of trustees shall appoint three prudent, discreet, intelligent women; members in Board of supervision or control. good standing of one of the religious organizations recognized by the laws of the United States who shall constitute a board of supervision or control to manage and superintend, under the direction of the board of trustees, the dormitory for young women. The term of service shall be for six years; but the first appointments shall be, one for two years, one for four years, and one for six years respectively, and thereafter, upon the expiration of their terms of service, one shall be appointed at the close of each biennial period to fill the vacancy. Provided, however, that the board of trustees shall have power at any time to remove any member of the board of control for reasons which they may deem sufficient and to fill the unexpired term by an ad interim appointment. Said board of supervision shall meet at convenient intervals for the transaction of business. They shall keep a record of their proceedings and submit the same Duties of. to the board of trustees at their regular meetings. Their receipts and expenditures shall be embodied in semi-annual reports to the board. They shall, when the dormitory is ready for the reception of students, submit to the board of trustees for their approval or to the executive committee, if the

board of trustees be not in session, a body of regulations in relation to their administration of the business of the dormitory, and in relation to the conduct and discipline of its occupants. The members of the board of supervision or control shall receive no salary; but the necessary expenses, incurred in the discharge of their duties, shall be paid out of the funds set apart for the administration of the women's dormitory.

Expenses of
board.

Appropriation to
defray expenses
of dormitory.

§ 5. The sum of two thousands dollars annually is hereby appropriated to defray the running expenses of said women's dormitory, including fuel, lights, servant's hire, janitor, cooks, and the necessary expenses of the board of supervision or control as hereinbefore set forth.

Rates of board.

§ 6. The rates of board charged young women shall be determined by the cost of provisions and their preparation and service, with no margin of profit. A small monthly fee may, however, be added to cover the wear and tear of kitchen, dining room, and bed room furniture.

Duties pertain
only to manage-
ment of dormi-
tory.

§ 7. The duties of the board of supervision or control shall be concerned exclusively with the management of the women's dormitory and shall in no wise relate to the college privileges, duties and relations of the young women nor to the requirements of the faculty regarding their work or the discipline and control of the faculty over them as students.

Authority of the
president.

§ 8. The president of the college shall, as the representative of the board of trustees, have the same general authority in regard to the women's dormitory which he is expected and required to

exercise over the interests all and singular of the college, and any occupant of said dormitory who may feel aggrieved by the act of the board of control or the subordinate appointees shall have the privilege of appeal to the president of the college, whose decision shall be final until the next meeting of the executive committee.

§ 9. Women students attending said college as beneficiaries and appointees of counties or legislative districts shall have preference for accommodations in said women's dormitory, and if the accommodations of said dormitory are not sufficient for all such appointees, then the proper authorities of said college shall decide, in some way fair and equitable, who shall be entitled to said accommodations, all counties being given equal representation as nearly as possible. If any rooms in said dormitory remain after all such appointees are accommodated other female students may be allowed the use thereof, each county being given equal representation as nearly as possible. All rooms shall be assigned by lot three days after the session opens.

Equitable distribution of accommodations in dormitory.

Like rules and preferences shall be observed in regard to dormitory accommodations provided for men students at said college. All rooms shall be assigned by lot three days after the session opens.

§ 10. The board of trustees of said college shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid and shall contract with responsible parties for the erection and equipment of the same.

Trustees to appoint architect.

Manner of letting contracts for building.

All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment of the same for the purposes mentioned in this act shall be let to the lowest and best bidder, after the same is duly advertised by notice for ten successive days in the daily newspaper, in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper of said city having the largest circulation, in the judgment of the board of trustees; the successful bidder in each case entering into bond to the Commonwealth of Kentucky for the benefit of said A. & M. College of Kentucky, in a sum not less than fifteen per cent. of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

Money; when and how paid.

The money hereby appropriated shall be paid to the treasurer of the said college from time to time as the purchasing of land, erection of buildings and furnishing of same, as contemplated in this act, may require; and it shall be the duty of the auditor of public accounts to draw his warrant or warrants upon the treasurer of the State in favor of the treasurer of said college for such an amount as the said treasurer of said college may certify to him, from time to time, is necessary and needed in carrying out the provisions of this act.

Board of trustees to report to next General Assembly.

§11. Said board of trustees shall submit to the next regular session of the General Assembly an

itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said college herein authorized have been made, the same shall be returned to the State treasurer by the said board of trustees.

The annual appropriation made by this act for the benefit of the women's dormitory shall be paid to the treasurer of said college upon warrant of the auditor to be used for the purposes specified. Annual appropriation; how paid.

§ 12. Whereas, it is necessary that the work on the buildings and improvements authorized by this act shall begin as soon as possible in order that said buildings and improvements may be completed and ready for use at the beginning of the next regular collegiate year of said college in September next an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its approval by the Governor. Emergency clause.

Approved March 21, 1900.

CHAPTER 25.

AN ACT to amend an act, entitled "An act relating to fees," which became a law June fifteenth, one thousand eight hundred and ninety-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-eight, article eighteen, being section one thousand and seven hundred and sixty-one, Kentucky Statutes, of an act en- Amending section 83, article 18, Acts 1893.

Kentucky Stat-
utes, section 1761.

titled, An act relating to fees, approved June fifteenth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended by striking from said section the words "commissioners, receivers, examiners," and by adding thereto the following words, viz.:

Salary of com-
missioners and
receivers.

"(Thirty-eight A) That in counties having a population of seventy-five thousand or over, commissioners and receivers appointed by the circuit court shall receive an annual salary of five thousand dollars, and the number of deputies allowed to each of said officers, and the compensation allowed to each, and the amount, if any, allowed for the necessary expenses of the office shall be regulated and fixed by an order entered upon the order book of the circuit court, and a certified copy of said order shall, as soon as entered, be forwarded to the auditor of public accounts, as shall a copy of any subsequent changes made therein.

Record of
amounts earned;
annual report.

"§ 2. (Thirty-eight B.) Said commissioners and receivers shall, in a suitable book kept in his office, keep and enter therein a true and faithful account of the amounts earned by him or due him for official services rendered to any person, company or corporation, when and to whom such service was rendered, and what part thereof, if any, has been paid and when paid, and shall annually, in the month of January, report to the auditor, under oath, the amount he has paid out on account of each item; and if it shall appear from such annual statement that any such officer has received as compensation

on account of his official services, from all sources, more than five thousand dollars during such year, after the payment of the salaries of his necessary deputies or assistants, and the legitimate expenses of conducting his office, then such officer shall, with such statement, pay to the auditor the amount so received in excess of said five thousand dollars and the salaries of his deputies and the legitimate expenses of his office, and any such officer who shall fail to comply herewith shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and upon conviction shall be removed from office. But nothing herein contained shall be construed to prevent said officers from making up, out of the overplus of any year, any shortage in their salaries, or the salaries of their deputies, of any previous year.”

Penalty.

§ 3. Said section, as so amended and re-enacted, shall read as follows:

“§ Thirty-eight (§ one thousand seven hundred and sixty-one.) The clerk of the circuit court, the clerk of the county court and the sheriff of each county having a population of seventy-five thousand or over, shall, on the first day of each month, severally, send to the auditor of public accounts a statement, subscribed and sworn to by each of them, showing the amount of money received or collected by or for each of them the preceding month, as fees or compensation for official duties, and shall, with such statement, send to the auditor the amount so collected or received.

Monthly report
of clerk of circuit
and county
court and sheriff.

“§ 4. (Thirty-eight A) That in counties hav-

Salary of commissioners and receivers.

ing a population of seventy-five thousand or over, commissioners or receivers appointed by the circuit court shall receive an annual salary of five thousand dollars, and the number of deputies allowed to each of said officers, and the compensation allowed to each, and the amount, if any, allowed for the necessary expenses of the office shall be regulated and fixed by an order entered upon the order book of the circuit court, and a certified copy of said order shall, as soon as entered, be forwarded to the auditor of public accounts, as shall a copy of any subsequent changes made therein.

Record of amount earned; annual report.

“(Thirty-eight B). Said commissioners and receivers shall, in a suitable book, kept in his office, keep and enter therein a true and faithful account of the amounts earned by him or due him for official services rendered to any person, company or corporation, when and to whom such service was rendered, and what part thereof, if any, has been paid, and when paid; and shall annually, in the month of January, report to the auditor, under oath, the amount received by him on account of his official duties or position from all sources during the preceding year, as well as the amount paid out by him for necessary deputies or assistants, and for the expenses of conducting his office, giving separately the amount he has paid out on account of each item; and if it shall appear from such annual statement that any such officer has received as compensation on account of his official services from all sources more than five thousand dollars during such year, after the payment of the

salaries of his necessary deputies or assistants, and the legitimate expenses of conducting his office, then such officer shall, with such statement, pay to the auditor the amount so received in excess of said five thousand dollars and the salaries of his deputies and expenses of his office, and any such officer who shall fail to comply herewith shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and upon conviction shall be removed from office. But nothing herein contained shall be construed to prevent said officers from making up out of the overplus of any year any shortage in their salaries, or the salaries of the deputies, of any previous year."

Approved March 21, 1900.

CHAPTER 26.

AN ACT concerning the parole of convicts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Prison Commissioners shall have full power and authority to make and establish rules and regulations for the conduct and management of the Kentucky Penitentiaries, under which any person who is now or may hereafter be convicted and sentenced to confinement in the penitentiary for a felony, other than rape or incest, and who has not previously been convicted and served a term therein, and who has not been insubordinate to the rules and

Amending chapter 97, article 2, Kentucky Statutes.

Power of Board of Prison Commissioners to parole prisoners.

regulations of the institution, may, upon his written application and consent thereto, be allowed to go on parole outside of the buildings and enclosure of the penitentiary, and free from the hereinafter provided, but to remain and be in the custody and control of the warden thereof, as legal custody and control of the said State Board of Prison Commissioners, and subject at any time to be taken back and confined within the buildings and enclosure of the penitentiary, and placed in the custody of the warden thereof, whenever such paroled convict shall become disobedient to the law, or the said Board of Prison Commissioners, in its discretion, shall deem best, and full power to enforce such rules and regulations, and to retake and re-imprison any convict so upon parole, and to require the warden to release from and receive into his custody and the enclosure of the penitentiary any convict so released upon parole or re-imprisoned by order of the State Board of Prison Commissioners is conferred, and the written order of said Board of Prison Commissioners, when signed by the chairman of said Board of Prison Commissioners, shall be a sufficient warrant and authority to all sheriffs, constables, marshals, policemen and other peace officers of this State to arrest and deliver to the custody of the warden of the penitentiary any convict therein named and ordered to be re-imprisoned; and it is made the duty of the warden to release or re-imprison in the said penitentiary any convict ordered to be released or re-imprisoned by said State Board of Prison Commission-

ers; and it is made the duty of all peace officers in this State to execute any order directed to him or them under this act, by arresting and conveying said paroled convict to the penitentiary, and delivering said convict to the warden as other criminal process is executed; and the said peace officers shall receive for their services like compensation as is provided by law for the arrest and conveying prisoners to the penitentiary, which shall be paid out of the State Treasury, and the said State Board of Prison Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for same in favor of the claimant upon the Treasury of this State.

§ 2. That no person who is now or may here-^{When murderer may be paroled.} after be convicted and sentenced to imprisonment for the crime of murder shall be allowed to go on parole outside the inclosure of the penitentiary and the custody of the warden thereof until after said convict shall have served out at least five years of his term of imprisonment.

§ 3. That no person who is now or may here-^{Arson, burglary, etc.; when may go on parole.} after be convicted and sentenced for a term of imprisonment in the penitentiary for the crime of arson, burglary or highway robbery, shall be allowed to go upon parole outside of the buildings and inclosure of the penitentiary until such convict shall have served the minimum term of imprisonment provided by law for the crime of which he was convicted.

§ 4. That no person who has or may hereafter^{Rape or incest; previous conviction, not paroled.} be convicted and sentenced to the penitentiary

for the crime of rape or incest, nor who has been previously convicted and served a term of imprisonment, nor who has been re-imprisoned by order of the State Board of Prison Commissioners under this article, shall be allowed to go on parole outside the inclosure of the penitentiary.

Convict on parole to report.

§ 5. That nothing in this act shall be construed as requiring such paroled convict to remain or reside in this State while so out on parole; but such convict so paroled may, at any time before said State Board of Prison Commissioners shall have ordered his return to the penitentiary, take up his residence wheresoever he desires, but said convict so out on parole, while he remains in this State, shall be required to report his place of residence and conduct to said State Board of Prison Commissioners, through the county judge, at least every six months, and if he shall fail to do so without good cause, and if his conduct is reported as not good, the said failure to report and to properly conduct himself shall be deemed a violation of the condition of his parole, and shall authorize his re-imprisonment.

Not required to wear regulation dress or badge.

§ 6. That no convict who has been or may hereafter be allowed to go outside of the penitentiary and custody of the warden upon parole shall, while so out on parole, be required to wear the regulation dress of the penitentiary, or other badge, token or thing which will or which is intended to indicate that he is a convict.

Time not credited on term.

§ 7. That the number of days or time any such convict has been or may be out of the inclosure

of the penitentiary upon parole shall not be credited to him upon his term of imprisonment if he shall be returned and re-imprisoned in the penitentiary by order of the said Board of Prison Commissioners; but upon his return thereto he shall be required to remain in custody therein for the whole of his unexpired term at the date of said parole.

§ 8. If the warden, or any peace officer in this State, shall willfully fail or refuse to execute and obey the orders of said Board of Prison Commissioners, made or issued under this article, such person shall, upon conviction, be fined in a sum of not less than twenty-five dollars and not more than two hundred dollars for each offense, in the discretion of the court or jury trying same, and the circuit court of the county where said offense is committed shall have exclusive jurisdiction to try said offense. ^{Penalty.}

§ 9. Nothing in this act shall be construed to affect the constitutional power of the Governor of this State to pardon, reprieve or respite any person who may be charged with or convicted of a crime in this Commonwealth. ^{Power of Governor not affected.}

§ 10. This act is in lieu of chapter 97, article 2, of the Kentucky Statutes, and all laws in conflict with this act are hereby repealed.

Approved March 21, 1900.

CHAPTER 27.

AN ACT appropriating money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation.

§ 1. That the following sums of money are hereby appropriated to the following named persons to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon warrant of the Auditor of Public Accounts.

To Cannon and Stout.

§ 2. To W. L. Cannon the sum of one hundred and fifty dollars (\$150) in full of costs, and attorney fee in contest case of Cannon against Stout; and to G. B. Stout the sum of one hundred and ninety dollars and fifteen cents (\$190.15), in full of costs and attorney fee in same case.

To Combs and Harris.

§ 3. To W. W. Combs the sum of two hundred dollars (\$200), in full of costs and attorney fee in contest case of Combs against Harris; and to W. T. Harris the sum of two hundred dollars (\$200), in full of costs and attorney fee in same case.

To Walker and Ray.

§ 4. To Lewis L. Walker the sum of one hundred and fifty dollars (\$150), in full of costs and attorney fee in contest case of Walker against Ray; and to William Ray the sum of one hundred and fifty dollars (\$150), in full of costs and attorney fee in same case.

To Watson and Mueller.

§ 5. To R. W. Watson the sum of one hundred and fifty dollars (\$150), in full of costs and attorney fee in contest case of Watson against Mueller; and to Chris. Mueller the sum of two hun-

dred dollars (\$200), in full of costs and attorney fee in same case.

§ 6. To John A. Stafford the sum of one hundred dollars (\$100), in full of costs and attorney fees in contest case of Stafford against Letterle; and to John M. Letterle the sum of one hundred and fifty dollars (\$150), in full of costs and attorney fees in same case.

§ 7. To S. L. Van Meter the sum of three hundred dollars (\$300), in full of costs and attorney fee in contest case of Van Meter against Berry; and to H. S. Berry the sum of three hundred dollars (\$300), in full of costs and attorney fee in same case.

§ 8. To A. P. Crawford the sum of seventy-five dollars (\$75), in full of costs and attorney fee in contest case of Marcum against Crawford.

§ 9. To M. Abele the sum of one hundred and twenty-four dollars (\$124), in full of costs and attorney fee in contest case of Hoffman against Abele; and to F. J. Hoffman the sum of fifty dollars (\$50), in full of costs and attorney fee in same case.

§ 10. To J. W. McKinney the sum of four hundred dollars (\$400), in full of costs and attorney fee in contest case of McKinney against Taylor; and to J. C. Taylor the sum of three hundred and fifty dollars (\$350), in full of costs and attorney fee in same case.

§ 11. To G. B. Thompson, Justice of the Peace for Franklin county, the sum of twenty dollars

(\$20), for administering oath to members of the House of Representatives.

Expenses of committee on A. & M. College.

§ 12. To the following persons: members of the Joint Committee on Agricultural and Mechanical College, for expenses incurred in visiting said college, viz: J. P. Rose, one dollar and fifty cents; Ben Robinson, one dollar and fifteen cents; T. P. Perkins, two dollars and fifteen cents; W. S. Randolph, one dollar and fifteen cents; M. R. Yarberry, one dollar and fifteen cents; James Cooper, two dollars and fifteen cents; William Ray, one dollar and fifteen cents; Ben Stephens, one dollar and fifteen cents; P. M. Willingham, three dollars; Robert Swan, one dollar and fifteen cents; A. S. Denton, one dollar and fifteen cents; Chris. MueHer, one dollar and eighty-five cents; G. F. Berry, one dollar and fifteen cents; J. W. Hance, one dollar and fifteen cents; M. H. Sledge, one dollar and fifteen cents; T. M. Sharp, one dollar and eighty-five cents.

Expenses of committee on State Prison and House of Reform.

§ 13. To the following persons, members of the Joint Committee on State Prisons and House of Reform, for expenses incurred in visiting said institutions, viz: E. M. Money, fifteen dollars and sixty cents (fifteen dollars and sixty cents); T. J. Nickell, seventeen dollars and thirty-five cents (seventeen dollars and thirty-five cents); Benjamin Stephens, fifteen dollars and sixty cents (fifteen dollars and sixty cents); J. W. McKinney, fifteen dollars and sixty cents (fifteen dollars and sixty cents); H. B. Lyon, fifteen dollars and sixty cents (fifteen dollars and sixty cents); J. P. Holt, fifteen dollars (fifteen dollars); W. P. Cox, fifteen

dollars and seventy-five cents (fifteen dollars and seventy-five cents); P. M. Willingham, sixteen dollars and thirty cents (sixteen dollars and thirty cents).

§ 14. To Edward O. Leigh, chief clerk of House, the sum of one hundred and twenty-five dollars (one hundred and twenty-five dollars), for extra clerk hire.

§ 15. To Rev. W. W. Prime the sum of three ^{To W. W. Prime.} hundred and fifty dollars (three hundred and fifty dollars), for services rendered as chaplain of the Eddyville Penitentiary during the years one thousand, eight hundred and ninety-five and ninety-six.

§ 16. To Milton Young and J. Embry Allen the ^{To Young and Allen.} sum of two hundred dollars (two hundred dollars) each, in full of costs and attorney fees in contest case of Young against Allen.

§ 17. To W. H. Collopy and David R. Allen, ^{To Collopy and Allen.} two hundred and fifty dollars (two hundred and fifty dollars) each, in full of attorney's fees and expenses in contest case of Allen against Collopy.

§ 18. To Wm. Klair, contestee in the case of ^{To Klair.} Williams against Klair, the sum of one hundred and fifty dollars (one hundred and fifty dollars), as attorney's fee.

§ 19. To W. W. Gill two hundred and fifty ^{To Gill and Brister.} dollars (two hundred and fifty dollars), in the case of Gill against Brister, and two hundred and fifty dollars (two hundred and fifty dollars to H. Brister in full of fees and expenses in said cases.

To Sherman and
Hail.

§ 20. To W. R. Sherman the sum of two hundred and ninety-one dollars and eighty cents (two hundred and ninety-one dollars and eighty cents), in full of costs and attorney's fees in the contest case of Sherman against Hail and to William Hail the sum of two hundred and ninety dollars and seventy cents (two hundred and ninety dollars and seventy cents) in full of his costs and attorney's fees in the same case.

To Fisher and
Kelday.

§ 21. To Geo. H. Fisher the sum of two hundred dollars (two hundred dollars), in full of costs and attorney's fees in the contest case of Fisher against Kelday; and to Jno. R. Kelday the sum of two hundred dollars (two hundred dollars), in full of his costs and attorney's fees in the same case.

To Ragland and
Strong.

§ 22. To W. H. Ragland the sum of two hundred dollars (two hundred dollars), in full of costs and attorney's fees in the contest case of Ragland against Strong; and to J. G. Strong the sum of two hundred dollars (two hundred dollars), in full of his costs and attorney's fees in the same case.

To Roberts and
Aikin.

§ 23. To Thomas A. Roberts the sum of two hundred dollars (two hundred dollars), and to Geo. D. R. Aikin the sum of one hundred and fifty dollars (one hundred and fifty dollars), in full of their costs and attorney's fees in the contest case of Roberts against Aikin.

To Charlton and
Lucas.

§ 24. To Albert H. Charlton the sum of two hundred dollars (two hundred dollars), in full of costs and attorney's fees in contest case of Lucas against Charlton; and to Samuel Lucas the sum of one hundred and fifty dollars (one hundred and

fifty dollars), in full of his costs and attorney's fees in same case.

§ 25. To R. E. Smith the sum of fifty dollars ^{To Smith and Mahaffey.} (fifty dollars) for his fee and ten dollars (ten dollars) for expenses in contest case of Smith against Mahaffey; and to J. A. Mahaffey the sum of seventy-five dollars (seventy-five dollars) for attorney's fee, and fifty-five dollars (fifty-five dollars) for his expenses in said case.

§ 26. To Geo. T. Farris, four dollars and thirty cents; Newton Frazier, four dollars and thirty cents; Abe Renick, four dollars and thirty cents; G. T. Berry, four dollars and thirty cents, and G. T. Finn, four dollars and thirty cents, the actual expenses incurred by each of the above members of the General Assembly who were appointed a committee, while the Legislature was in session at Louisville, to visit Frankfort and report upon the advisability of the General Assembly returning to Frankfort. ^{To committee to visit Frankfort.}

§ 27. This act shall take effect from and after its approval by the Governor.

Passed the Senate March 13, 1900.

Became a law March 23, 1900, without the signature of the Governor.

CHAPTER 28.

AN ACT to repeal certain State bank charters.

Repealing chapter 448, page 618 acts 1833; charter of Bank of Kentucky; also, chapter 155, page 7, acts of 1850, being charter of Farmers' Bank of Kentucky; also chapter 1064, page 562, acts of 1863, being the charter of the Deposit Bank of Kentucky.

Whereas, By virtue of a recent decision of the Supreme Court of the United States, all banks of this State, both State and national, are now required to pay State and local taxes in Kentucky, except the Bank of Kentucky, the Farmers Bank of Kentucky and the Deposit Bank of Frankfort, which three last named banks, by virtue of said decision, are now claiming exemption from all State and local taxes, except as provided in the Hewitt Law, during their corporate existence; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish the Bank of Kentucky," approved February sixteenth, eighteen hundred and thirty-four, and all amendments and extensions thereof, also an act entitled "An act to incorporate the Farmers Bank of Kentucky," approved February sixteenth, eighteen hundred and fifty, and all amendments and extensions thereof, also an act, entitled "An act to incorporate the Deposit Bank of Frankfort," approved March third, eighteen hundred and sixty-three, and all amendments and extensions thereof, be, and the same are hereby, repealed. Provided, That if said banks or either of them, on or before May first, nineteen hundred, file in Secretary of State's office their or its written consent to pay taxes under State and local levies of nineteen

hundred and subsequent years, as provided in the Constitution and revenue statutes of this State, the bank or banks thus agreeing shall be excepted from the operation of this act.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. Whereas, it is important that all banks of this State should be placed upon the same footing as to taxation without delay, an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved March 22, 1900.

CHAPTER 29.

AN ACT to amend and re-enact an act empowering the county hundred and ninety-eight, entitled "An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act of the General Assembly of the Commonwealth of Kentucky, approved March nineteenth, eighteen hundred and ninety-eight, of the published acts of the General Assembly of the Commonwealth of Kentucky of eighteen hundred and ninety-eight, be, and the same is hereby, amended as follows:

Amending chapter 38, page 96, acts of 1898.

By striking from the first line of section one the word "franchise," and substituting in lieu thereof the words "shares of stock," and by adding after the words "security company," in the second line of said section the words "and the franchise of every incorporated," and by adding after the

words "second class," in the eleventh line of said section one, the words "and the third class," so that said section as amended will read as follows:

What companies
to be assessed by
cities for fran-
chise taxes.

"§ 1. That the shares of stock of every incorporated bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation or association, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall hereafter be valued or assessed for city taxes in the manner hereinafter described by the city assessor in the cities of the first, second and the third class, wherein such franchise is exercised, to the extent and in the proportion the same is therein exercised: Provided, however, That no assessment for city taxes shall be made by any assessor or board of valuation and assessment of the franchise of any private business, mercantile or manufacturing corporation, whose property is not devoted to public use."

Provided

§ 2. This act shall take effect and be in force ninety (ninety) days after the adjournment of this Legislature.

Passed Senate March 8, 1900.

Passed the House of Representatives March 13, 1900.

Became a law without signature of the Governor, March 23, 1900.

CHAPTER 30.

AN ACT, to amend and re-enact an act, empowering the County Courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, or convenience of its inhabitants. Approved July 1893, chapter 266. Amending and re-enacting article 8, chapter 76, Kentucky Statutes, acts of 1893, chapter 266.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act of July 10, 1893 for the drainage of wet land, article eight, chapter seventy-six of the Kentucky Statutes be, and the same is hereby amended as follows: "The words "or private" are stricken out of said act wherever they occur therein.

§ 1. Section first of said act is amended by adding to said section after the words, "to be constructed" the words "or cleaned out or straightened" and by adding after the word "water-course" the words "with, or without arms or branches or forks or tributaries."

§ 2. Section second of said act is amended by adding after the word "any" the word "such" and by adding after the word "terminus" the words "and any tributary thereto." And by adding after the words "and they shall accurately describe, as the same is described in the petition, each parcel of land" the words "corporation, public highway or railroad." And after the words "and the estimated number of acres benefited, the amount of each tract of land" the words "corporation, public highway or railroad." And after the words "and the amount that each tract" the words "corporation, public highway or railroad."

And after the words "and at each one hundred foot stake or monument of said ditch, drain or water course" the words "and a description of bench marks and elevations taken therefrom." And after the words "the names of owners" the words "and tenants, if any." And after the words "drain or water course" the words "and through which same is to be constructed and when any of such persons are non-residents of the State, infants, of unsound mind or married women" and strike out all the words after the word "water course" to word "records," including the word "records." And after the word "and" strike out the word "report." After the words "or drain" add the words "or water course."

§ 4. Section four of said act is amended by adding after the words "shall not consider what benefits such lands will receive after some other" the word "public."

§ 7. Section seven of said act is amended by adding after the words "the earth taken from such ditch shall be so placed" the words "and leveled." And also by striking out the word "two" and inserting in lieu thereof the word "six."

§ 9. Section nine of said act is stricken out and the following substituted:

§ 9. Notice to persons affected, to be given—Statement in. Upon the report of the viewers being filed, unless it shall be dismissed, the court shall issue process against the owners and tenants of the land through which said ditch, drain or water-course, arms,

branches, forks or tributaries are to be located, and of the land to be assessed, as shown by said report, to show cause why said report shall not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court. The proceedings shall stand for exceptions at the first term after said process shall have been executed upon all the parties as required by said code, twenty days before the first day of any regular term of court and shall stand for trial, upon the exceptions or remonstrances, at the next regular term after said remonstrances or exceptions have been filed or should have been filed.

§ 10. Section ten is amended by striking out after the word "county" the word "judge, at the time set for the hearing of said petition, shall, if there be no remonstrance filed proceed to hear said petition;" and insert in lieu thereof, the words "court, when all parties are before the court as provided in section nine, shall, if there be no remonstrance or exception proceed to hear said petition." And by adding to the end of the section after the word "thereto" the words "before the construction of said ditch."

§ 11. Section eleven is amended by striking out the words in the first line, "it shall be lawful for." And by striking out the word "to" in the second line and adding the word "may." And by striking out all the words after the word "file" in the second line to and including the word "therein" in the sixth line, and substituting therefor

the words "exceptions or a remonstrance against the ditch by setting forth his grievances therein." And by adding after the word "may" in the eighth line, the words "also except or." And by striking out all the words after the word "viewers" in the ninth line to and including the word "clerk" in the line sixteen.

§ 12. Section twelve is amended by striking out all the words after the word "viewers" in the fourth line, to and including the word "remonstrating" in the twelfth line, and substituting therefor the words "in so far as objected to in the remonstrance or exception."

§ 13. Section thirteen is amended by striking out the entire section and substituting therefor the following:

"§ 13. Notice of viewers' report. If the reviewers change the report of the viewers, by assessing other land, or making new parties to their report, the case shall be continued for issue of summons and warning order in the same manner as on the original report. New parties to said report or any persons whose interests may be affected by any change made by reviewers' report, may file exceptions to the viewers and reviewers' report, and new parties may file remonstrance to such report and have reviewers appointed as is provided in section eleven and such right to file remonstrance and such appointment of reviewers shall continue until no new parties are made by the reviewers' report. If exceptions are filed to any such final report or reports the

parties shall be entitled to a trial by jury, if demanded, composed of resident free holders of the county. The court shall render judgment for costs against the parties failing to sustain their petition, exceptions or remonstrance."

§ 14. Section fourteen of said act is amended by striking out all the words in said section, after the word "collected" in the last line and substituting therefor the words "as fee bills are now collected."

§ 17. Section seventeen is amended by adding after the word "may" in the second line the words "pray and be granted in the order or judgment on."

§ 18. Section eighteen is amended by adding after the word "trial" quoted in the sixth line the words "de novo." And by adding after the word "court" in the eighth line, the words "provided, however, no summons need issue on the appeal."

§ 21. Section twenty-one is amended by adding after the word "tax collector" in the last line, the words "and said tax collector shall receive four per cent. for collecting the same, to be paid by the certificate holder."

§ 25. Section twenty-five of said act is amended by striking out the entire section and inserting in lieu thereof the following:

"§ 25. Record of ditch improvements, to be kept. The clerk shall make a complete record of all orders and judgments in proceedings under this act, in a book, to be pro-

vided for that purpose at the expense of the county."

Said act, when amended and re-enacted, shall read as follows:

Power of county
judge to cause
drainage of land.

§ 1. Ditch, drain or water course—county judge may order constructed. That the county judge of any county shall have power, at any regular session of the county court, when the same shall be conducive to the public health, convenience or welfare, or when the same will be of public benefit or utility, to cause to be constructed, or cleaned out, or straightened, as hereinafter provided, any ditch, drain or water course with, or without arms or branches or forks or tributaries, within said county.

Duties of viewers.

§ 2. Petition for—appointment of viewers and their duty. Before the county judge shall establish any such ditch, drain or water course, there shall be filed with the county clerk of such county a petition, signed by one or more of the land owners whose lands will be liable to be affected by or assessed for the expense of construction of the same, setting forth the necessity therefor, with a general description of the proposed starting point, route and terminus, and of any tributary thereto; and shall give a bond with good and sufficient freehold sureties payable to the State, to be approved by the clerk, conditional to pay all expenses in case the county judge shall fail to establish said proposed ditch, drain or water-course. As soon as said petition is filed, said judge shall, if in regular session, or at

his next regular session, appoint three resident freeholders and householders of the county not interested in the construction of the proposed work, and not of kin to any of the parties interested therein, as viewers, to meet at a time and place specified by said court preparatory to commencing their duties as hereinafter specified; and it shall be the duty of the clerk thereupon to issue to said viewers a certified copy of the petition and order of the court, who shall proceed, at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water course, from its source to its outlet; and they shall cause stakes or monuments to be set along said line, numbered progressively down stream at each one hundred feet; and they shall make computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain or water course, and an estimate of the total cost of construction of the whole work; and they shall set apart and apportion to each parcel of land, and to each corporate road or railroad and to the county where public highways are benefited a share of said work in proportion to the benefits which will result to each from such improvements, and give the location of each share, its length in feet, and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of construction, each share or allotment, separately, and specify the manner in which the work shall be done; and they shall have power, where they find it

necessary, to provide for running said ditch underground, through drain tiles or other materials, as they may deem best, by specifying the size and kind of tile or other material to be used in such underground work and shall estimate the cost of the same as a part of the total cost of the work; and they shall accurately describe, as the same is described in the petition, each parcel of land, corporation, public highway or railroad to be assessed for the construction of said ditch, giving the number of acres in each tract assessed, and the estimated number of acres benefited, the amount of each tract of land, corporation, railroad or public highway will be benefited by the construction of said work, and the amount that each tract, corporation, railroad or public highway is assessed therefor; and they shall, in tabular form, give the depth of cut, width at bottom, and width at top, at the source, outlet, and at each one hundred foot stake or monument of said ditch, drain or water course and a description of bench marks and elevations taken therefrom; and they shall also ascertain and give the names of the owners and tenants, if any, of the lands that are assessed for the construction of said ditch, drain or water course, and through which same is to be constructed and whether any of such persons are non-residents of the State, infants, of unsound mind, or married women, and also whether or not the proposed ditch, drain or water course will be of public utility.

Deduction for
work done.

“§ 3. Deduction for work done. Whenever a public ditch, drain or water course

is located wholly or in part in the bed of a private ditch already or partially constructed the viewers shall make an estimate of the number of cubic yards already excavated and cost of the same, on each tract of land and deduct the same from the assessment thereon.

“§ 4. Assessments of lands benefited—duty of viewers. All land benefited by a public drain, ditch or water course shall be assessed in proportion to the benefits for the construction thereof, whether it passes through said lands or not; and the viewers, in estimating the benefits to land not traversed by said ditch, shall not consider what benefits such land will receive after some other public ditch or ditches shall be constructed, but only the benefits that will be received by reason of the construction of the public ditch, as it affords an outlet for the drainage of such lands.

“§ 5. Location of ditch, drain or water course. Discretion of viewers. In locating a public ditch, drain or water course, the viewers may vary from the line described in the petition, as they deem best. Provided, They commence the ditch at a point described in the petition and follow down a line therein described as near as practicable: And, provided further, That when there is not sufficient fall in the length of the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough to obtain a sufficient

fall and outlet. And when it will not be detrimental to the usefulness of the whole work, they shall, as far as practicable, locate the ditch on the division lines between lands owned by different persons; and they shall, as far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines. And all persons whose land may be affected by said ditch may appear before said viewers, and freely express their opinion on all matters pertaining thereto.

Damages.

“§ 6. Damages estimated by viewers—assessment of. In locating a public ditch, drain or water course, the viewers shall estimate the damages, if any, that any person or persons will sustain by reason of the construction of such ditch, and assess such damages to the parties owning the lands benefited in proportion as each tract of land is assessed for benefits.

Route and location.

“§ 7. Route and location—discretion of viewers. The viewers, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvements of public highways already established, or such as may be thereafter required shall proceed to establish the route. If the route proposed is upon a line where a public road may be required, and in all cases in which the route proposed is along highways already established, the viewers shall locate the

ditch at a sufficient distance from the center of such highways to admit of a good road along such central line; the earth taken from such ditch shall be so placed and leveled upon the roadway as to form a turnpike; and no part of the earth excavated from a public ditch shall be placed nearer to the margin thereof than six feet. But in locating a drain as above, the viewers shall not materially depart from the terminal points described in said petition.

"§ 8. Viewers—meeting and report of. Said Proceedings and report of viewers. viewers may, after having met at the time and place specified in the order issued to them by the clerk, proceed immediately to perform their said duties, or adjourn from time to time as best suits their convenience, and file their report with the clerk at least ten days before the next regular term of said county court: Provided, the water be high, or the weather inclement, they shall not be compelled or required to file their report until at least ten days before the second regular county court after having received their order from the clerk; but their report must indicate the reason for such postponement. And if the viewers find the proposed ditch, drain or water course not of public benefit or utility, they may report against the location of same; in which case their report need only state that they find the proposed work not to be of public benefit or utility.

"§ 9. Notice to persons affected, to be given— Notice to be given. statement in. Upon the report of the viewers being filed, unless it shall be dismissed, the court

shall issue process against the owners and tenants of the land through which said ditch, drain or water course, arms, branches, forks or tributaries are to be located, and of the land to be assessed, as shown by said report, to show cause why said report shall not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court. The proceeding shall stand for exceptions at the first term after said process shall have been executed upon all the parties as required by said Code, twenty days before the first day of any regular term of court and shall stand for trial, upon the exceptions or remonstrances, at the next regular term after said remonstrances or exceptions have been filed or should have been filed.

Duty of court.

“§ 10. Hearing of application by court—power of court. Said County Court, when all parties are before the court as provided in section nine shall, if there be no remonstrance or exception, proceed to hear said petition; and if the viewer's report is made in accordance with the provisions of this act, and it be in favor of the proposed work, and the court finds the proposed drain to be of public utility, or conducive to public health, or of public benefit or convenience, it shall establish the same as specified in the report. But if the viewers report against the proposed work, the court shall dismiss the petition and tax the cost as hereinafter provided. And when damages are awarded to any person or persons or corporations, as pro-

vided by this act, the Court shall order the same to be assessed and paid by the party or parties benefited by the proposed work, to the person, persons or corporations entitled thereto, before the construction of said ditch.

“§ 11. Remonstrance by person interested Remonstrance.
—bond for cost—appointment of reviewers.
Any person interested in the location of the said proposed work may file exceptions or a remonstrance against the ditch, by setting forth his grievances therein; and any person deeming his assessment too high or the damages allowed him too low, may also except or remonstrate, for such reason, against the action of the viewers. And thereupon, the Court shall appoint three disinterested resident freeholders and householders of the county (not of kin to any person interested in the proposed work) as reviewers, to meet at a specified time and place preparatory to commencing said review. And it shall be the duty of the clerk thereupon to issue to said reviewers a certified copy of the petition and remonstrance, and the order of the Court in appointing such reviewers.

“§ 12. Reviewers—duty and report of. Such reviewers shall meet at the time and place Proceedings and report of viewers. report of reviewers mentioned in the order issued to them by the Clerk, and proceed to review the action and report of the viewers, in so far as objected to in the remonstrance. And they shall, before commencing said review, obtain from the Clerk the report of the viewers, which they shall carefully preserve and return to the Clerk when they

have completed their review. And they shall file with the Clerk report of their proceedings in the premises, after having subscribed and sworn to the same, at any time before the next regular term of said court; and if the reviewers sustain the action of the viewers, and make no change in the proposed work, their report need only state that after having made full examination of the viewers' report, as well as the entire premises through which the proposed work extends, they find the action of the viewers just and correct; and that they sustain and approve the action of the viewers and their report.

Notice on viewers' report.

“§ 13. Notice on viewers' report. If the reviewers change the report of the viewers, by assessing other land, or making new parties to their report, the case shall be continued for issual of summons and warning order in the same manner as on the original report. New parties to said report or any persons whose interests may be affected by any change made by reviewers' report, may file exceptions to the viewers' and reviewers' report, and new parties may file remonstrances to such reports and have reviewers appointed as is provided in section eleven, and such right to file remonstrance and such appointment of reviewers shall continue until no new parties are made by the reviewers' report. If exceptions are filed in any such final report or reports the parties shall be entitled to a trial by a jury, if demanded, composed of resident freeholders of the county. The Court shall render judgment for costs against the parties failing to sustain their petitions, exceptions or remonstrances.

“§ 14. Costs of remonstrance—by whom paid. If the reviewers find the proposed work of public benefit or utility, and do not sustain the entire action of the viewers, but make changes in favor of the remonstrance, the cost occasioned in consequence of the filing of the remonstrance shall be taxed as a part of the total costs of the work, as the same is taxed against the parties benefited in proportion to their benefits; and if the reviewers find the proposed work not of public benefit or utility, and their report shall be sustained upon final trial, the entire costs shall be taxed against the petitioners and collected as fee-bills are now collected.

“§ 15. Judgment upon reviewers' report. Upon the filing of the report of the reviewers, the Court shall, if such report is made in accordance with the provisions of this act, establish the same as described in the report of the viewers as the same is sustained, corrected or changed in the report of the reviewers.

“§ 16. Viewers—final meeting and report—apportionment of damages and cost—collection of. Whenever the Court establishes the public ditch, drain or water-course, it shall order the viewers, if the same is established without remonstrance according to the viewers' report (or the reviewers, if the same is established according to their report), to meet at a time and place specified, after the lapse of five days and make a final report, in which they shall specify the time in which each share or allotment of the ditch shall be constructed and com-

pleted, and they shall apportion the cost of the location thereof; the damages, if any shall have been allowed, and compensation to the surveyor or engineer, the viewers, reviewers and laborers who assisted the viewers in making out the ditch, and award to each person or persons or corporation owning the lands assessed for the construction of said work their proportionate share of said costs and expenses, and shall specify the time in which the same shall be paid to the County Clerk and file their report with the Clerk, after having subscribed and sworn to the same. It shall be the duty of the surveyor or engineer to file with the Clerk, before the making of such final report, an itemized account of his services up to the time of such report, verified by his oath. And it shall be the duty of the viewers and reviewers to file, with their reports, an account of the names of the laborers and time each was employed by them, and also the time they were necessarily engaged in viewing or reviewing the ditch and making and filing their report. And all compensation and damages allowed by this section shall be collected by the sheriff as other taxes are collected and paid to the County Clerk and the compensation paid out when collected on an order from the Court to the parties entitled thereto; and the damages, when collected, shall be paid to the parties entitled thereto according to the report of the viewers or reviewers.

Appeal.

“§ 17. Appeal—time in which must be taken—effect of—bond for costs. Any person or corporation aggrieved thereby may

pray and shall be granted, in the order or judgment, an appeal from any final order or judgment of the Court made in the proceedings and entered upon the record, determining either of the following matters:

"First. Whether said ditch will be conducive to the public health, convenience or welfare.

"Second. Whether the route thereof be practicable.

"Third. Whether the assessments made for the construction of the ditch are in proportion to the benefits to be derived therefrom.

"Fourth. The amount of damages allowed to any person or persons or corporation. And the appellant shall file with the Circuit Court Clerk an appeal bond, with at least two freehold sureties, to be approved by the Circuit Court Clerk conditioned that he will duly prosecute such appeal and pay all costs that may be adjudged against him in the Circuit Court: Provided, That such appeal bond shall be filed within ten days after such final order or judgment of the County Court is made; and after the lapse of such ten days no appeal can be taken. And if an appeal be taken the Clerk shall withhold his notice to the viewers or reviewers to make their final report, and he shall, within twenty days after the appeal bond is filed, make a transcript of the proceeding had before the County Court and certify the same, together with all the papers filed in his office pertaining to such proposed work, to the Clerk of the Circuit Court.

"§ 18. Trial of appeal—County Court to Hearing of appeal; judgment.
obey judgment of Circuit Court—costs.

The Clerk of the Circuit Court shall docket said appeal, styling the appellant, the plaintiff and the petitioner or petitioners the defendant; and if the appellant is the only petitioner, then it shall be docketed as an ex parte proceeding, and said case shall stand for trial de novo as all other appeal cases and shall be tried as other appeal cases are tried in the Circuit Court, provided, however, no summons need issue on the appeal. After the trial and judgment in the Circuit Court the Clerk of the Circuit Court shall re-transmit all the original papers in said appeal and proceedings filed in the County Clerk's office, to the Clerk of the County, together with the transcript of the proceedings had in the Circuit Court, including a certified copy of the findings, verdict and judgment of the Court. The county court, at its next regular or special session, shall proceed with said petition in accordance with the judgment of the Circuit Court; the Clerk of the Circuit Court shall also certify an itemized statement of the cost accrued in the Circuit Court, and such cost and damages shall be paid as herein provided in section seventeen.

Construction;
contracts; sale
of; notice of
sale; bond.

"§ 19. Construction of work—letting of contract—bond of contractor. After the transcript of the proceedings had in the Circuit Court, and all other papers in the case are returned to the County Clerk's office the Court shall cause such entries to be made on the record as may be necessary to give effect to the judgment of the Circuit Court, or if

there be no appeal, any job not completed by the landowners within the time fixed by the final report of the viewers or reviewers, as the case may be, shall be sold by the Clerk to the lowest responsible bidder at the door of the Court House; but, before the Clerk shall make such sale, he shall give notice for two consecutive weeks by posting three written or printed copies of such notice in three public places in the vicinity of the proposed work and one at the door of the Court House of the time when and the place where he will sell such allotment, and no bid will be entertained which exceeds twenty-five per cent. over and above the estimated cost of construction of such allotment; and the Clerk shall contract with the party to whom the allotment is sold requiring him to construct such share or allotment in the manner set forth in the report of the viewers or reviewers, and within such time as the Clerk may fix not exceeding ninety days from the day of sale, and shall take from him a bond with two freehold sureties, payable to the State, for not less than double the amount for which such work is sold, to be approved by the Clerk, conditioned that he will perform his contract and pay all damages which may accrue to any person by reason of his failure to complete the job within the time required in the contract thereof; provided, however, that the Clerk shall not sell any allotment until the section immediately below shall have been completed.

"§ 20. Construction of work—reletting of contract—costs incident to. Any work not Construction of work; re-letting of contract; costs incident to.

completed within the time fixed in the contract and bond, provided for in the preceding section shall be re-sold by the Clerk to the lowest responsible bidder, but shall not be sold for a sum exceeding twenty per cent. above the estimated value of such work nor a second time to the same party. A contract and bond shall be entered into as hereinbefore provided, but the judge may for a good cause give further time to any contractor not exceeding sixty days. The Clerk shall fix the time for completion of the work re-sold, not exceeding sixty days from the day of re-sale. The cost and expenses of the sale and re-sale of any allotment shall be placed by the Clerk and recovered off of the contractor and bondsmen as other fee-bills are collected.

Completion and inspection of work; certificate of assessment; lien for.

“§ 21. Completion and inspection of work—certificate of—collection of assessment—lien for. It shall be the duty of the county surveyor or engineer, on being notified by any land-owner that his allotment, or by any contractor that his job is completed, to inspect the same; and if he find that it is completed according to the specifications of the report on which the ditch was established, he shall accept it and give to the land-owner, or, in case the job has been sold to the contractor, a certificate of acceptance stating that said allotment or job is completed according to such specifications. And if any share or allotment has been sold to a person, not the owner of the land assessed therefor, he shall in addition, state the amount due the contractor for constructing the

same from the owner of the land, which certificate shall be a lien on the land assessed for such share or allotment, and shall be due and payable immediately by the owner of the land; and if the allotment sold belongs to a non-resident of the county, the Clerk shall state such fact when he offers it for sale. And when the county surveyor or engineer, heretofore provided, accepts it and issues his certificate of acceptance, he shall file with the County Clerk a copy thereof, whereupon the Clerk shall charge the amount mentioned in said certificate on the tax book against the land assessed with such allotment to be collected as other taxes are collected, together with six per cent., for the holder of the certificate after the same becomes delinquent, and when collected, it shall be paid to the person holding the certificate by the tax collector, and said tax collector shall receive four per cent. for collecting the same, to be paid by the certificate holder.

“§ 22. Owner of land to keep ditch open—cost of removal. Every person through whose land any ditch is constructed under the provisions of this act, shall be required to keep said ditch open and free of obstructions on his own lands, and shall keep the said ditch and banks thereof free from willows and other vegetation which may have a tendency to grow in the water of said ditch and obstruct the same upon his premises, and in case of failure so to do, he shall be liable to pay the expenses of removing such willows or other obstruction. Any person interested in such ditch may file an application

Owner of land to keep ditch open; cost of removal.

with the County Clerk, stating on oath that such ditch, or some part thereof, is obstructed; whereupon the County Judge shall appoint a person to examine the premises at once, and inquire into the truth of such sworn statement, and if he find the statement to be true, he shall notify the owner of the land to remove such obstruction within ten days; and if the owner shall fail to remove same, such person so appointed shall at once cause the same to be removed at the expense of such land owner, and certify the same to the County Clerk who shall place the same with all his fees in the case, on the tax books as an assessment on the land of such person, and the same shall be a lien upon such land and shall be collected as other taxes. The cost and expense for moving such obstruction shall be allowed by the County Clerk and paid by the sheriff when same is collected. The planting of willows and trees along the edge of the ditch, or permitting the same to grow shall be deemed an obstruction of such ditch.

Cleaning of
ditches; costs of;
how paid.

“§ 23. Cleaning of ditch—costs of—how paid. When any ditch constructed under this act needs to be cleaned out, any owner of any land originally assessed for its construction may file a statement with the County Clerk, in writing, setting forth such a necessity, and the County Judge shall instruct the county surveyor, or some surveyor, if there be no county surveyor, to examine the ditch and report on oath, an estimate of the amount of work required to clean out said ditch and such sum, if found reasonable in

amount by the court shall be divided pro rata according to the original assessment of benefits, unless the necessity of cleaning out arises from the act or neglect of any land owner or corporation, in which case the damages caused by such act or neglect, shall be taken into consideration, and assessed against such land owner or corporation. In case the surveyor shall decide that such ditch does not require cleaning out any expense of such application and view shall be paid by the person making such written statement. This provision as to cleaning out ditches shall apply only to ditches or drains constructed or established under this act.

“§ 24. Cleaning of ditch—report of surveyor concerning—apportionment of expense—collection. Such surveyor shall return his estimate and assessment for cleaning out to the Clerk and the County Judge shall appoint a day for hearing the same and cause notice to be given as is provided for in the construction of the ditch; and when the Court has made the apportionment as he deems right and proper, he shall cause the same to be entered upon the record and the Clerk shall place the same upon the tax books against the land, and notify the sheriff who shall collect the same as other taxes. The work of cleaning out the ditch shall be advertised, sold and let, and the contracts performed as provided for in this act for construction of said ditch, and the contractor shall be paid by the land holder or sheriff after the collection of the assessment, if not paid before same is turned over to the sheriff.

Cleaning of ditch; report of surveyor concerning; expense; collection.

Record of ditch
improvements.

“§ 25. Record of ditch improvements to be kept. The Clerk shall make a complete record of all orders and judgments in proceedings under this act, in a book to be provided for that purpose at the expense of the county.

Record of ditch
accounts to be
kept.

“§ 26. Record of ditch accounts to be kept. The County Clerk of any county wherein a ditch improvement is ordered under this act, whether the same is the construction of a new ditch, or the deepening, widening, straightening or alteration of any old ditch, shall provide a suitable book at the expense of the county, in which to keep such ditch accounts with the parties. The Clerk shall open therein an account with each improvement in the name by which the same is generally known and charge all assessments and credit all payments made in the case. The money collected shall constitute a special fund, and shall be paid out by the Clerk to the persons entitled to the same by the provisions of this act on orders from the County Judge.

Ditch in two or
more counties;
jurisdiction of
courts.

“§ 27. Ditch in two or more counties—jurisdiction of courts. Where a ditch is petitioned for which will require a location in more than one county, application shall be made to the County Court of each of said counties, and one viewer selected by each of said courts, and an engineer selected by the court of the county having the greatest length of said ditch, who shall make duplicate reports, filing one in each county; application for damages shall be made and objections to assessments shall be made in the county, and appeals from the findings shall be taken to

the circuit court of the county in which the greatest length of such ditch is located.

“§ 28. Surveyor and engineer to give bond—action on. The county court shall require the surveyor and engineer appointed by him, under the provisions of this act, in each case to enter into a good and sufficient bond, with surety, to be approved by him, conditioned for the faithful performance of his duties in said cause, in a sum of one thousand dollars, and an action may be brought on said bond by any person aggrieved by the failure of such engineer or surveyor to do his duty, in the name of the State of Kentucky, for the use of such person.

Surveyor and engineer to give bond; action on.

“§ 29. Penalty for officer's neglect of duty. If an engineer or county judge, county clerk, circuit clerk, viewers or reviewers, neglect or refuse to perform any duty imposed by the provision of this act, he shall forfeit and pay a fine of twenty-five dollars for every such refusal, to be recovered in the name of the State for the benefit of the proposed ditch fund at the suit of any person aggrieved.

Penalty for officer's neglect of duty.

“§ 30. Railroad or highway benefitted to bear portion of expense. When any ditch established under this act drains, either in whole or in part, any public or corporate road or railroad, or benefits any such road, so as that the road-bed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the county, if a county, State or free turnpike road, and to the com-

Railroad or highway benefitted to bear portion of expense.

pany, if a corporation, road or railroad, such portion of the cost and expenses thereof as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals.

Compensation
and fees allowed.

“§31. Compensation and fees allowed. The following fees shall be allowed for services actually rendered under the provisions of this act: The viewers, chain carriers, surveyor and axman shall receive the same fees that are allowed in opening roads. The fees of the clerk, sheriff and witnesses shall be the same as allowed them by law for like services in civil cases in the circuit court.

Fees; out of
what fund paid.

“§ 32. Fees—out of what fund. All fees under this act shall be paid out of money realized from the collection of assessments.

Clerk and sheriff
responsible on
bond.

“§ 33. Clerk and sheriff responsible on bond. The sheriff and county clerk shall be responsible on their official bond for all money that comes into their hands under this act.

Passed the House of Representatives March 9, 1900.

Passed the Senate March 13, 1900.

Became a law March 23, 1900, without the signature of the Governor.

CHAPTER 31.

AN ACT to provide for needed improvements and betterment of condemned buildings and other buildings of the Kentucky Penitentiary at Frankfort.

Whereas, The prison bending rooms, dry kilns and engine buildings at the Frankfort Penitentiary have become unsafe for occupancy and require supports and props for rotten timber and masonry and these are temporary supports that are liable to collapse at any time, and as these buildings are situated in close proximity to the kitchen, dining room and hospital and other buildings, and therefore additionally dangerous and that their occupancy during working hours by the convicts and guards is a continued menace to life, which facts are attested to by the reports of the commissioners and warden, and

Whereas, The steady employment of the prisoners to responsible contractors has practically put the prison on a self-supporting basis, and that the shop room is insufficient and additional room would make possible the employment of the unemployed, therefor,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Kentucky Penitentiaries be and hereby are authorized and directed to replace the present brick dry kilns (and engine house and the space occupied by the wooden dry kiln), with a new three-story brick building covering the space now occupied by the mentioned buildings and approaches thereto,

Commissioners to erect buildings.

which building shall become part of the chair factory.

Broom shop; additional story.

§ 2. That the two-story building known as the broom shop, shall have an additional story put thereon of brick, the entire length and width of said building, which room shall become part of the chair factory.

Dry kiln.

§ 3. That a dry kiln be erected outside of the walls and entering into the yard thirty feet south of the shoe shop, which dry kiln shall be enclosed in the stockade.

Appropriation.

§ 4. That the sum of twenty-five thousand dollars or so much thereof as may be necessary is hereby appropriated out of the treasury for the purpose set forth in the preceding sections of this act.

Emergency clause.

§ 5. Because of the dangerous condition of the buildings, there is an emergency that this act take immediate effect, and this act shall take effect immediately upon its passage.

Passed the House of Representatives March, —, 1900.

Passed the Senate March 9, 1900.

Became a law March 23, 1900, without the signature of the Governor.

CHAPTER 32.

AN ACT to revise and make uniform the laws of this Commonwealth concerning the branding and drifting of trees, logs or other forms of timber, and also all acts providing for punishing crimes and misdemeanors relating to same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fees for taking up; lien; sale of.

§ 1. Fees for taking up—Lien—Sale of. Every person who shall take up and secure any

boats, fleets of timber, rafts, platforms, saw-logs or other logs or trees prepared for the purpose of sale, or any cross or railroad ties, boards, planks, staves, heading or other timber prepared for market, the property of another, found adrift in the waters of this Commonwealth, in which there is no boom or other arrangement provided by the owner for the preservation thereof below the point at which they are so found, whether the same have thereon any brand or not, shall be entitled to receive from the owner thereof a compensation for so much thereof as he shall deliver to such owner as follows: For each freight boat or other heavy boat, one dollar; for each jack boat, skiff or canoe, twenty-five cents; for each fleet of timber, ten dollars; for each raft of not less than forty logs, four dollars; for each platform of not less than ten logs, one dollar; for each saw log or other log or tree prepared for sale, twenty-five cents; for each cross or railroad tie three cents; for boards or planks caught in rafts or large body, fifty cents per one thousand feet board measure for twenty thousand feet or less quantity; for over twenty thousand feet, twenty-five cents per one thousand feet board measure; but if the same be not in rafts, but loose and scattered, two dollars and fifty cents per one thousand feet board measure; and for staves and heading, three dollars per one thousand pieces for all that are merchantable, to be paid by the owner thereof, if required, upon the delivery of the same to him. The taker-up shall have a lien upon the property taken up by him for said fees and for his charges as hereinafter

provided. If the owner of any such fleet, raft, platform, saw log or other log or tree prepared for the purpose of sale, or any cross or railroad tie, board, plank, stave, heading or other timber prepared for market, shall fail to pay the sum charged thereon within sixty days from the day they were taken up, they shall be sold at the instance of the person to whom such charges are due by a constable, sheriff or other officer of the county in which said property was taken up, at the courthouse door, at public auction, to the highest bidder, upon thirty days' written or printed notice thereof, giving time and place of sale and a written or printed description of the property and any marks or brands thereon, posted at the front door of the courthouse of the county in which the sale is to be made and at two other public places in the county where the property is located. It shall be the duty of the constable or other officer making said sale to pay to the taker-up his legal fees and charges, after deducting his own commission, which shall be the same as though he had sold the same property under execution; and if there shall be an excess of sale money over and above said charges and fees, he shall pay said residue to the clerk of the county court of the county in which the sale is made, and take his receipt therefor; and for failure to perform his duties under this act the constable or other officer shall be liable on his official bond to the party aggrieved. If the owner do, within one year from the date of the sale, appear before the county judge of the county where the money is deposited with the clerk, and

establish his right to the satisfaction of the said court to the money, it shall, upon the order of the county judge, be paid over to said owner by the clerk aforesaid; otherwise it shall be paid into the common school fund of this Commonwealth: Provided, Nothing in this act shall be so construed as to permit the taking up of any fleet of timber, raft or platform, saw log, or other log or tree prepared for the purpose of sale, or any cross or railroad tie, board, plank, stave, heading or other timber prepared for market, above any boom or other arrangement made by the owner for the preservation thereof.

§ 2. Fees for keeping timber. Any person who shall take up any fleet, raft or platform as herein-after provided for, shall, in addition to the foregoing fees, be entitled to a reasonable compensation for keeping and caring for said property taken up by him, not exceeding the following rates: For each fleet, two dollars per day; for each raft, fifty cents per day; for each platform, twenty-five cents per day.

§ 3. Fees for keeping other timber. If any person who shall take up any saw log or other log, or tree prepared for sale, as herein provided for, and the same remain in his or their possession over thirty days from the time of taking the same up before the owner thereof offers to pay said charges, he or they shall be entitled to charge, in addition to the fee for taking the same up, twenty-five cents for every saw-log or other log or tree prepared for sale, kept in his or their possession as aforesaid.

Penalty for secreting or grounding.

§ 4. Penalty for secreting or grounding. If any taker-up of any property as described in this act shall secrete the same, or allow said property so taken up by him to get aground so that he can not immediately, upon the demand of the owner thereof, or of his agent, put the same afloat, or if he shall fail to put the same afloat upon demand as aforesaid, he shall not be allowed to collect or receive any compensation for the taking up or the caring for the same, and shall, in addition thereto, be responsible to said owner for the value of such property as if it were afloat.

Brand may be adopted.

§ 5. Brand may be adopted. Any person, firm or corporation dealing in timber in any form shall be called and known as a timber dealer, and as such may adopt a brand in the manner and with the effect hereinafter provided.

Timber; what constitutes.

§ 6. Timber—What constitutes. For the purposes of this act the word "timber shall mean and include trees, whether standing, down or prepared for sale, saw logs, and all other logs, cross and railroad ties, boards, planks, staves and headings, and other timber cut or prepared for market.

Brand; manner of adopting.

§ 7. Brand—Manner of adopting. Every such dealer desiring to adopt a brand may do so by the execution of a writing in, form and effect as follows: "Brand—Notice is hereby given that I (or we, as the case may be) have adopted the following brand in my or (our, etc.) business as timber dealer or dealers, to-wit (here insert the words, letters, figures, etc., constituting the brand, or if it

be any device other than the words, letters or figures, insert the fac simile thereof." Dated this — day of ———, A. D., ——. The said writing shall be acknowledged or proved for record in the same manner as deeds are acknowledged or proven, and shall be recorded in the office of the clerk of the county in which the principal office or place of business of such timber dealer may be. A copy thereof shall be posted up at the place where the principal business is done, and one at the courthouse door in the county where the business is carried on, and at three public places in the county.

§ 8. Penalty for using the brand of another person. Every brand so adopted shall, from the date hereof, be the exclusive trade mark of the person, firm or corporation adopting the same, and any other person, firm or corporation knowingly using or attempting to use such brand, without the written consent of the owner thereof shall be guilty of a misdemeanor and fined not less than twenty nor more than two hundred dollars for each offense, and shall be liable to the owner of such brand for all damages sustained by said owner by reason of the use of same. Penalty for using brand of another person.

§ 9. Timber—How stamped with brand. The proprietor of such brand shall, in using the same, cause it to be plainly stamped, branded or otherwise impressed upon each piece of timber upon which the same is placed. Timber; how stamped with brand.

§ 10. Penalty for fraudulently marking timber. If any person shall fraudulently place any Penalty for fraudulently marking timber.

brand on timber described as aforesaid, not his own he shall be guilty of a misdemeanor and fined not less than one hundred nor more than five hundred dollars, and imprisoned in the county jail not less than one nor more than twelve months for each and every such offense.

Penalty for defacing brand.

§ 11. Penalty for defacing brand. Any person or persons who shall unlawfully cut out, cancel, obliterate or deface any brand recorded as provided by this act, which shall have been placed upon the standing timber, saw log or other log or tree prepared for the purpose of sale, or any cross or railroad tie, stave, heading, or other timber prepared for market, of another in this Commonwealth, shall be deemed guilty of a felony, and upon conviction thereof shall be, for each offense, confined in the penitentiary of this State not less than one nor more than three years.

Penalty for converting branded timber.

§ 12. Penalty for converting branded timber. Any person or persons who shall unlawfully take, secrete, cut, saw, split up or destroy any timber branded as herein provided, or remove same from the main river on which the same was taken up, with the intent to prevent the owner thereof from finding the same, or in any way convert same to his or their own use without the consent of the owner thereof, or who shall receive same, knowing same to have been stolen, shall be deemed guilty of a felony and, on conviction thereof, confined in the penitentiary for not less than one nor more than three years.

§ 13. No contract for the sale of standing trees

or standing timber shall be enforceable by action unless the said contract or some memorandum thereof be in writing, signed by the person to be charged or his duly authorized agent.

Standing trees;
contract for to
be in writing.

§ 14. Whenever any timber shall be branded by the seller, or by another with his consent, with the brand of the purchaser or other person or corporation, then the title to said timber shall at once pass to the person or corporation whose brand is thus placed upon it, but this shall not affect the rights of the contracting parties with respect to the payment of the purchase money therefor.

When title passes.

§ 15. Nothing herein shall affect the validity and effect of all brands and trade marks which shall have been duly adopted and recorded under the provisions of the law in force previous to the passage of this act, but same shall be as valid for all purposes, civil and criminal, as if duly adopted and recorded under the provisions of this act.

Validity of
brands; duly
adopted, etc.

§ 16. When unbranded timber to become property of the State. When any unbranded saw logs, trees, cross ties or other timber prepared for market, is taken up on any of the streams of this Commonwealth, the same shall be held and disposed of as hereinbefore provided, and the taker-up of such timber shall receive as compensation for his services only the fees provided for in section one of this act; and if any taker-up of unbranded logs or timber as aforesaid shall unlawfully sell, or in any way appropriate to his or their own use, or shall place any brand upon same without first having same sold as aforesaid, he or they shall be

When unbranded
timber to become
property of the
State.

deemed guilty of a felony, and, upon conviction thereof, confined in the penitentiary of this State not less than one nor more than three years.

Passed Senate February 20, 1900.

Passed House of Representatives, with an amendment, March 10, 1900.

Became a law, without approval of Governor, March 23, 1900.

Resolutions.

No. 1.

RESOLUTION providing for the purchase of Official Manuals for the use of members of General Assembly and for distribution to certain officials. Official Manuals.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and the same is hereby authorized and directed to purchase, at State Librarian to purchase. not exceeding one dollar per copy, four hundred copies of a book entitled "Official Manual" for the use of the court, State and county officials and General Assembly of the State of Kentucky, by Miss Pauline Helm Hardin, which book contains the Constitution, index and annotated, the standing committees of both Houses, the rules of the Contents. Senate and rules of the House of Representatives, the joint rules, the name and postoffice address of the members of the General Assembly and directory of the State officials, and chief officials of the United States, and the several States, of the several territories of the Union and other valuable information. She will furnish the members of the General Assembly and such officials thereof as To whom furnished. may be designated by the presiding officer of the Houses respectively with a copy of each of the same, and will furnish the State officials with copies thereof, and send a copy thereof to the clerk

of the county court of each county in the State, to be kept in his office. She will furnish to each State and territory in the Union a copy of said book in exchange for similar books from said States and territories.

§ 2. There being no printed copies of the rules and committees of the General Assembly an emergency is declared and this resolution shall take effect from and after its adoption.

Approved February 28th, 1900.

No. 2.

RESOLUTION directing the Auditor of Public Accounts to pay the members and officers of the General Assembly for the entire time they have been in session both at Frankfort and in Louisville, together with the mileage at fifteen cents per mile while going to and from the session at Louisville.

Auditor directed
to pay per diem
and mileage.

Whereas, The Auditor of Public Accounts has failed to pay the members and employes their per diem for six days and whereas they had to travel a distance of ----- miles by reason of the proclamation of Governor Taylor, for which they have secured no mileage; therefore,

Be it resolved by the Senate and House of Representatives:

That the said members and employes are hereby allowed their lawful per diem for said six days and fifteen cents per mile for the distance traveled from Frankfort to Louisville and return, and that the clerks issue certificates to the mem-

bers for same and that the auditor draw his warrant on the treasurer for said amounts.

Approved March 13th, 1900.

No. 3.

RESOLUTION for the benefit of W. T. Voires, J. M. Thomas and L. H. Carter.

Whereas, The Senate of Kentucky, at the last session of the General Assembly, appointed W. T. Voires, J. M. Thomas and L. H. Carter a committee to investigate the systems of the various States of the Union relating to the subject of uniform text-books for common schools, and to gather information upon said subject, and report same to this General Assembly; and

Expenses incurred by committee to investigate uniform text books.

Whereas, Said committee did make said investigation at their own expense, and did purchase a number of text books used in various States having a uniform system of text books, which books have been submitted by said committee to this General Assembly; and

Whereas, Said committee did in other ways incur expenses amounting in all to the sum of one hundred and twenty-five dollars; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and twenty-five dollars be, and the same is hereby, appropriated to reimburse said W. T. Voires, J. M. Thomas and L. H. Carter for the expenditures made by them as above set out, and the auditor of public accounts is hereby directed to draw his warrant

Appropriation to pay expenses of committee.

upon the treasurer for said sum of one hundred and twenty-five dollars, payable to the order of W. T. Voires.

§ 2. Whereas, said expenditures were made by the members of said committee from their own private funds; and whereas, they should be immediately reimbursed, an emergency is hereby declared to exist, and this resolution shall take effect and be in full force from and after its approval by the Governor.

Approved March 13, 1900.

No. 4.

Appropriation to organize and equip State guard. RESOLUTION appropriating money to reorganize, extend the organization and equip the State Guard and recover the possession of State's munitions of war.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Amount appropriated. Purpose of.

§ 1. That there is hereby appropriated and set apart the sum of one hundred thousand dollars or so much thereof as may be necessary to be expended under the supervision of Hon. J. C. W. Beckham, Governor of Kentucky, and to be paid out upon his written orders by the treasurer out of any money not otherwise appropriated for the purpose of reorganizing, extending the organization and equipping the State guard and recovering the possession and control of all cannons, gatling guns, small fire arms and other munitions of war belonging or entrusted to the control and custody of the Commonwealth of Kentucky now in the possession or under the control of W. S. Tay-

lor, D. R. Collier, or persons claiming to be members of the State guard, acting under or recognizing the authority of them or other persons holding such things without authority from Hon. J. C. W. Beckham, Governor, and Hon. John B. Castleman, Adjutant-General of Kentucky.

§ 2. Whereas, The number of men in the State guard is less than the maximum now permitted ^{Emergency clause.} by law, and whereas, a number of the members of said guard are rendering obedience to the orders of W. S. Taylor and D. R. Collier, given without legal authority and in defiance of law, and whereas, said Taylor or Collier or both of them have caused a large number if not all the cannons, gatling guns, small fire arms and munitions of war belonging to or entrusted to the control of the Commonwealth of Kentucky to be removed from the lawful depository thereof in the State arsenal at Frankfort, to other and distant parts of the State without good cause or any right so to do and such munitions of war are now in the possession of persons not legally entitled thereto, an emergency is hereby declared to exist, and this resolution shall take effect from its passage.

Approved March 13th, 1900.

No. 5.

RESOLUTION providing for the payment of the expenses of the contest board in the contested election cases of Gov-
ernor and Lieutenant Governor.

Appropriation to
defray expenses of
contest board.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of defraying the ex-

penses of the contest boards in the contested elections for Governor and Lieutenant-Governor of this Commonwealth before this present session of the General Assembly, there is hereby appropriated the sum of two thousand, nine hundred and eighty dollars and fifteen cents, to be disbursed as herein provided: To J. W. Boston, Esq., clerk of the Governor's contest board, three hundred and fifty dollars; to W. P. Thorne, Junior, clerk of the Lieutenant-Governor's contest board, three hundred dollars; to Alonzo Walker and John P. Cassilly, for taking down in short hand and typewriting the evidence produced before said boards, two thousand dollars; to Sergeant-at-arms Percy Haly, for attendance upon the boards, one hundred dollars. For Assistant Sergeant-at-arms: To J. A. Noonan, for fourteen days, fifty-six dollars; to Walter Brawner, for fourteen days, fifty-six dollars; to William Graham, for six days, twenty-four dollars; to George Conway, for four days, sixteen dollars; to J. H. Ealy, for services as janitor for said boards, thirty-five dollars; for printing rules for contest boards and printing blank subpoenas, and attachments, twenty-seven dollars and ten cents, to be disbursed by G. T. Finn, Esq., secretary of the Governor's contest board; to E. B. Weitzel, for use of hall in Capital Hotel, sixteen dollars and twenty-five cents.

Auditor directed
to draw warrant.

§ 2. The auditor is hereby authorized and directed to draw his warrant upon the treasurer in favor of the persons named herein for the amounts hereby appropriated to them respectively.

Approved March 13th, 1900.

No. 6.

RESOLUTION for the benefit of W. V. Eaton.

Whereas, The committees on contests in the case of Milton Young, contestant, against J. Embry Allen, contestee, and J. M. Simmons, contestant, against B. S. Huntsman, contestee, employed W. V. Eaton to act as clerk of said committees, and he having performed such duties as devolved upon him as such clerk; and

Appropriation for
the benefit of W.
V. Eaton.

Whereas, There is now no provision of law authorizing the payment of any money to clerks of committees for their services as such clerks; now

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. V. Eaton be, and he is hereby, allowed fifty (\$50) dollars, (twenty-five dollars in each case) for the services performed by him as clerk of the committees aforesaid, and the auditor is directed to pay said sum out of any money not otherwise appropriated.

There being no law authorizing payment for the services rendered by W. V. Eaton, and prompt payment being necessary in this case, this resolution shall take effect upon its adoption.

Approved March 14th, 1900.

No. 7.

RESOLUTION for the benefit of certain ministers of the gospel for opening sessions of the General Assembly with prayer.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Appropriation for benefit of ministers for opening General Assembly with prayer. §1. That the auditor of public accounts be, and he is hereby directed to draw his warrant on the treasurer for the sum of two hundred and fifty dollars to be paid to the several ministers of the gospel for opening the present sessions of the General Assembly with prayer, said warrants to be drawn in favor of Claude Desha, chief clerk of the Senate, and he will divide and pay said ministers in proportion to the time the ministers have met with the General Assembly, allowing each the same amount per day each day they served.

Emergency clause.

§2. An emergency is declared to exist, and this resolution shall take effect from and after its passage.

Approved March 17, 1900.

No. 8.

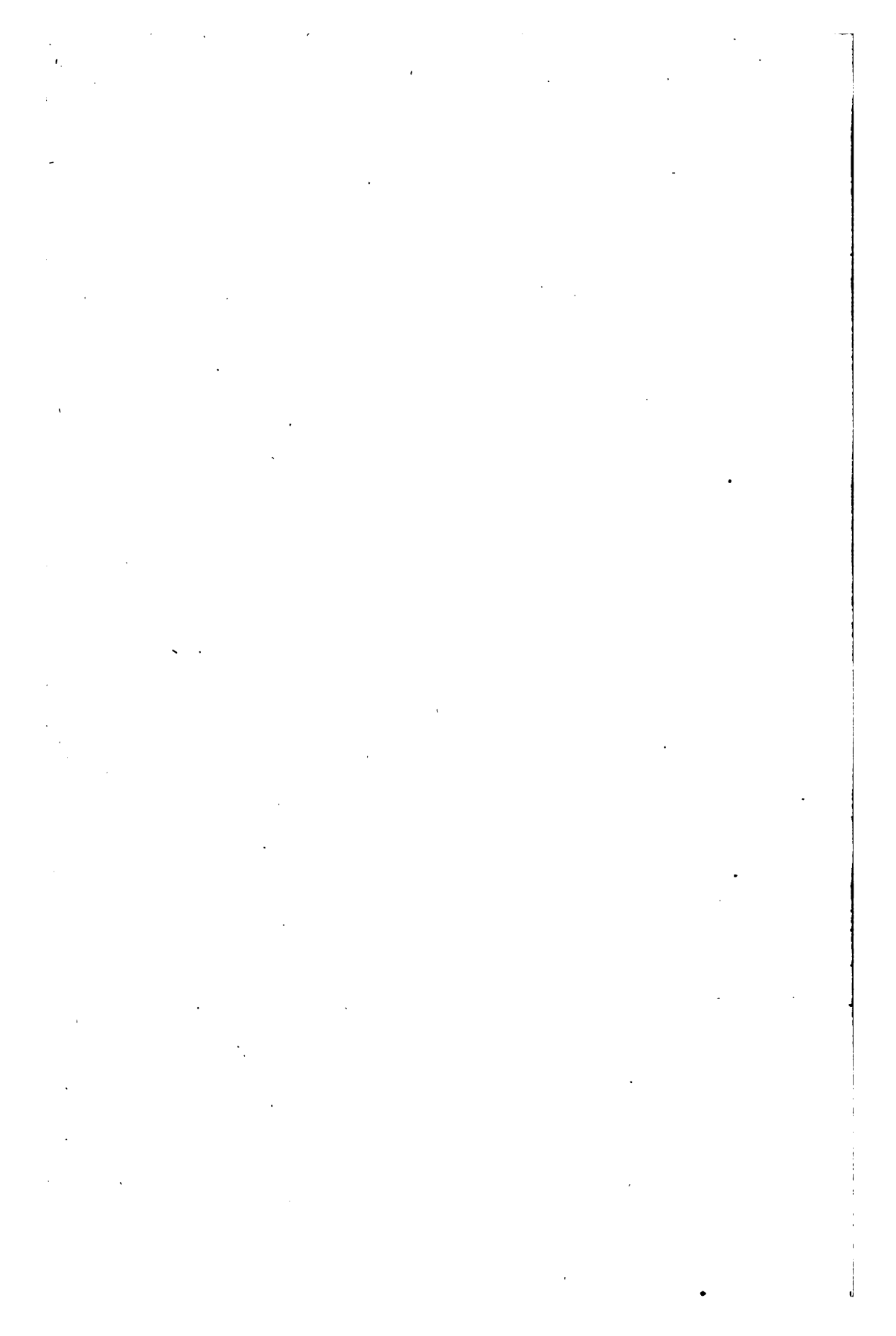
RESOLUTION recognizing the "Kentucky State Democrat" as the official organ of the General Assembly, and providing for the publication of its proceedings and distribution among the members.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Recognizing Kentucky State Democrat as official organ. That the "Kentucky State Democrat," a daily paper published in Frankfort, Kentucky, be, and the same is hereby, designated as the official or-

gan of this General Assembly, and as such is authorized and requested to publish daily the proceedings of both Houses of this Legislature, and furnish a copy thereof to each member of the Senate and House of Representatives each morning after publication, by placing same on the desk of said member.

Approved March 21, 1900.



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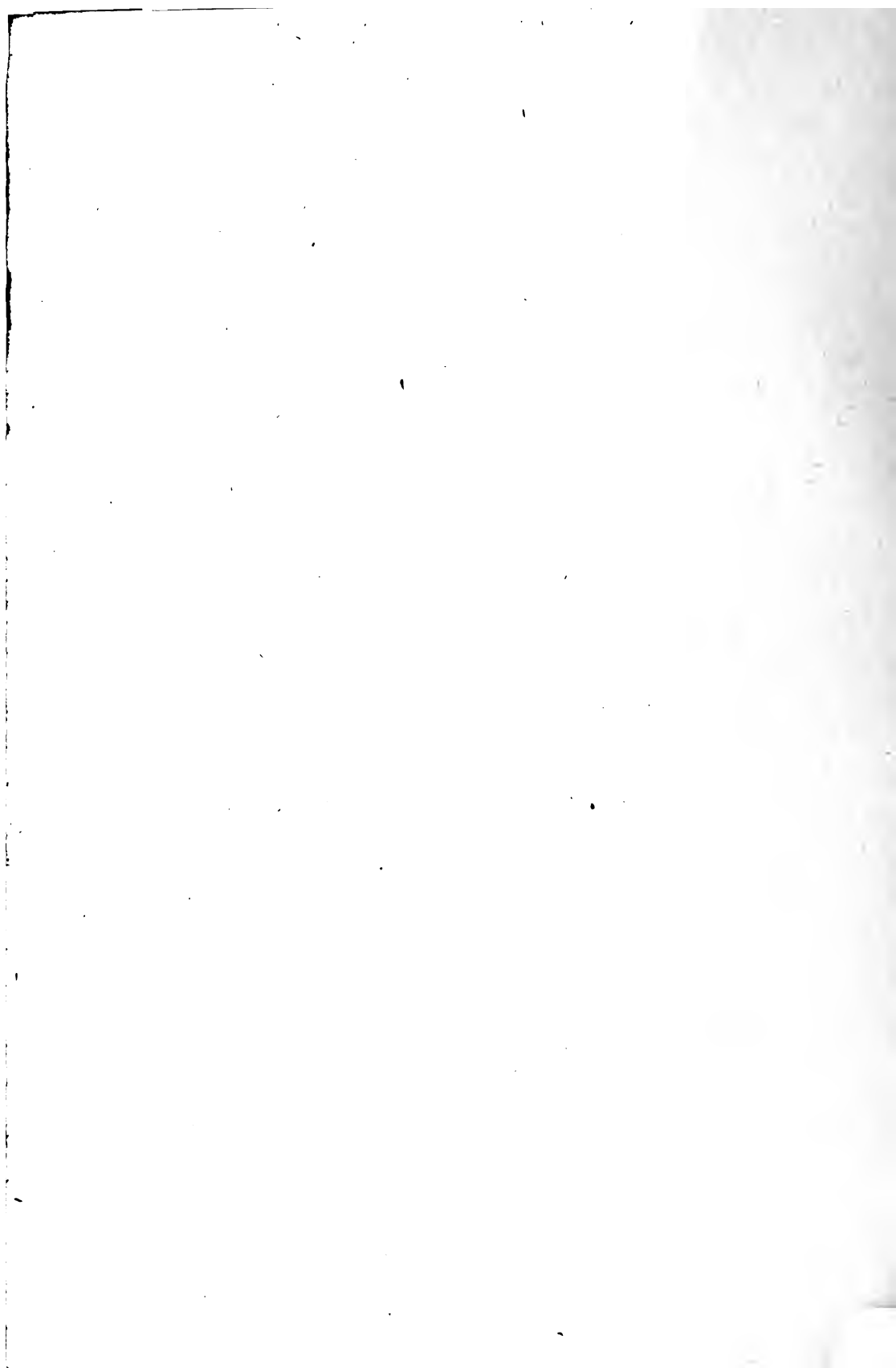
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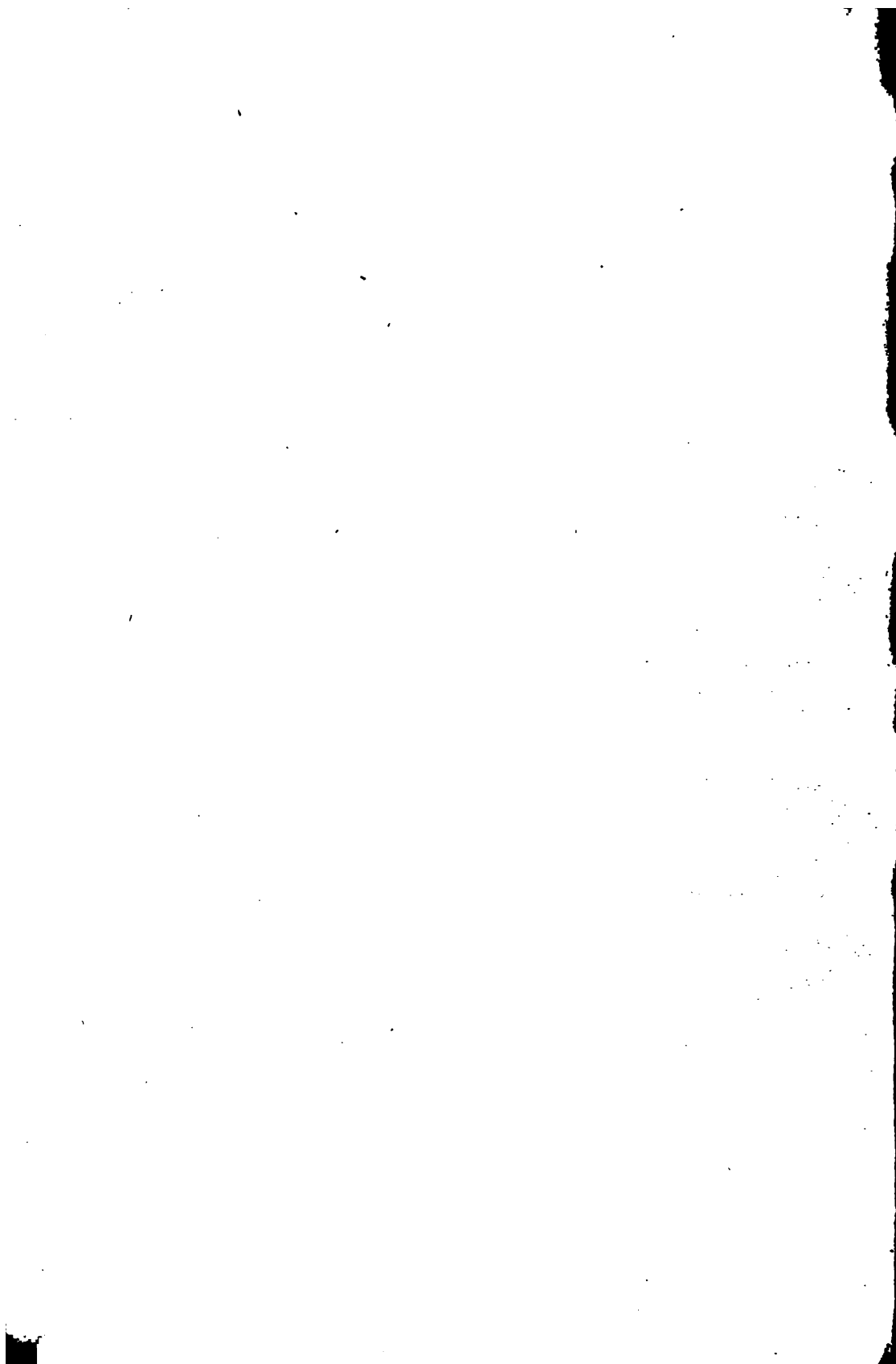
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